

ADULTS AND COMMUNITIES' SCRUTINY COMMITTEE	AGENDA ITEM No. 9
2 MARCH 2021	PUBLIC REPORT

Report of:	Charlotte Black, Service Director, Adults and Safeguarding	
Cabinet Member(s) responsible:	Councillor Wayne Fitzgerald, Cabinet Member for Integrated Adult Social Care, Health and Public Health	
Contact Officer(s):	Tina Hornsby – Head of Integration	Tel. 07741 830025

ADULT SOCIAL CARE ANNUAL COMPLAINTS REPORT 2019-20

RECOMMENDATIONS	
FROM: Charlotte Black, Service Director – Adults and Safeguarding	Deadline date: N/A
<p>It is recommended that the Adults and Communities Scrutiny Committee:</p> <ol style="list-style-type: none"> Note the summary of Adult Social Care complaints and compliments received between 1 April 2019 and 31 March 2020 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 2019 and 31 March 2020.

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

- Adult Social Care
- Safeguarding Adults

2.3 *How does this report link to the Corporate Priorities?*

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

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

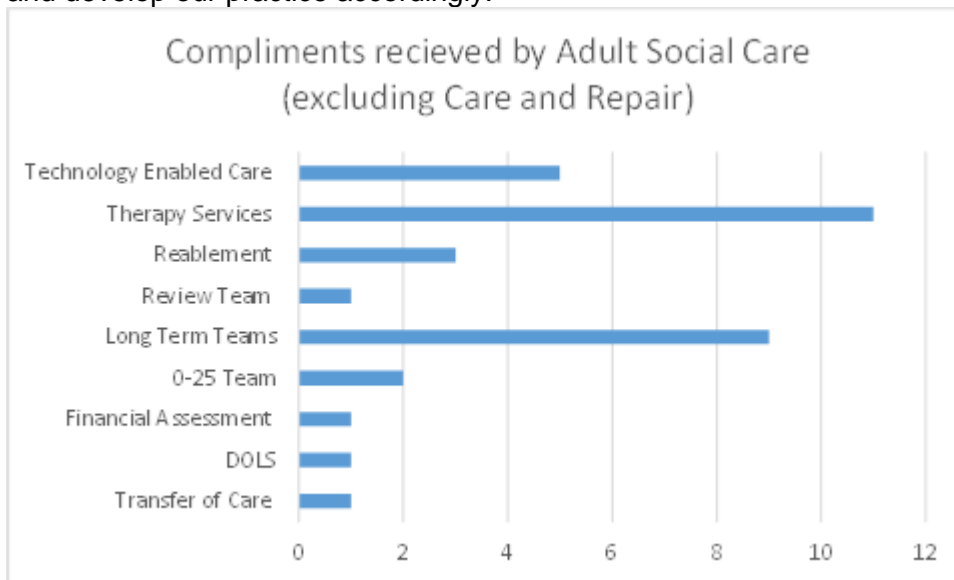
3. TIMESCALES

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

4.1 Compliments Received

During 2019/20 a total of 111 compliments were recorded for Adult Social Care Services, 34 for individual Adult Social Care teams and 79 for the Council's Care and Repair services, which is also delivered within the Adults and Safeguarding Directorate. This is an increase on the 91 compliments logged in 2018/19 and the 46 logged in 2017/18. We suspect that only a small percentage of compliments received by other Adult Social Care staff in their day-to-day work are passed on to be logged. Through our newsletter we are encouraging staff to share these more systematically, so that we can learn from what goes well as well as what goes less well and develop our practice accordingly.



4.2 Examples of compliments received are:

“Following some issues last year, I felt that the whole team ensured that our experience of our father’s DOLs Assessment, Financial Assessment and Care Assessment was significantly different.

All of the team demonstrated a full understanding and empathy of our situation and gave us the space and time to give us full reassurance and support. They were honest and open with us through the whole process”

“Thankyou for sorting my Father’s care out, also I would just like you to know that you have an exceptional member of your team, she is amazing always on hand to help, with advise and goes that extra mile”

“Thanks for all your help, you are a truly amazing social worker, I’ve never had someone so dedicate like you. Thank you!!!”

“Thank you for your help, you’ve been great & provided a great customer service in time of great need.”

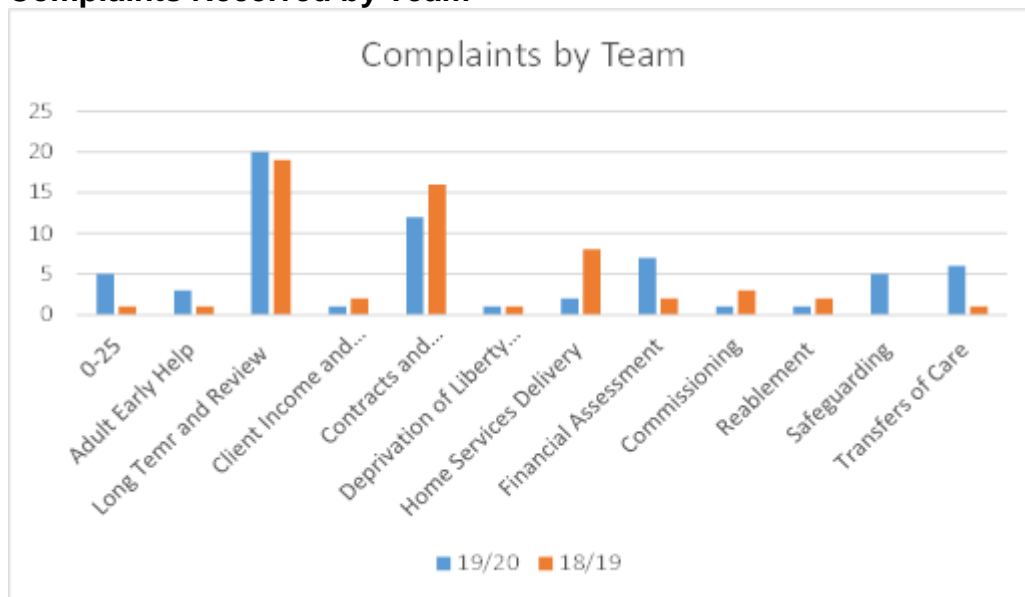
“Cannot thank us enough for all we have done to help by providing OT equipment. Very pleased with service.”

“I have met two lovely, kind understanding ladies who are definitely in the right jobs for them.”

4.3 Complaints Received

4.3.1 During 2019/20 a total of **64** formal complaints were logged about Adults Social Care services. Three of these complaints were subsequently withdrawn. In 2018/19 the number of complaints was just slightly lower at 56

4.3.2 Complaints Received by Team



The highest number of complaints was logged against Long Term and Review Teams and Contracts and Independent Providers. These teams also received the most complaints in the previous year and it is presentative of the number of people receiving support and the complexity levels in these areas. During the year April 2019-March 2020, to which this report relates, a total of 2743 people were supported in long term care .

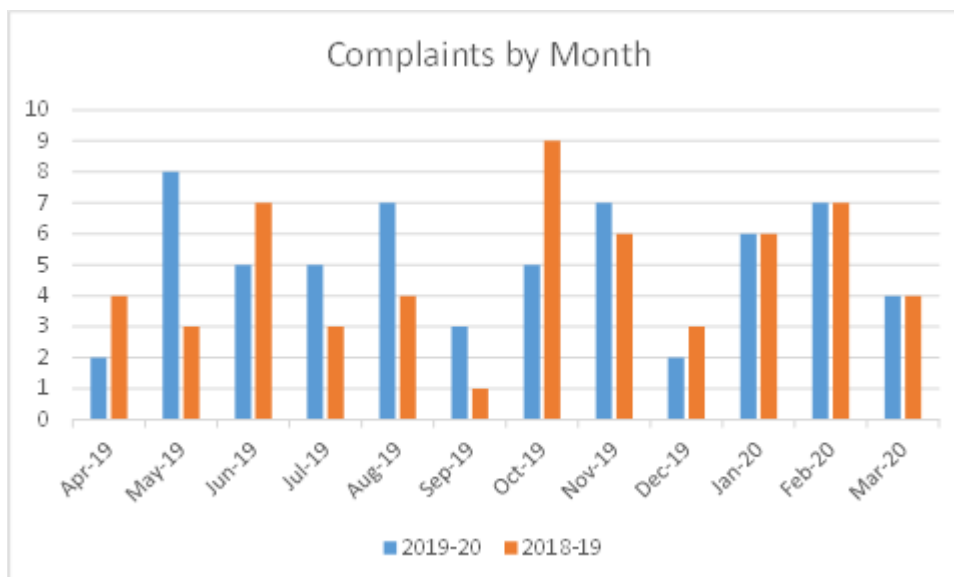
There were 5 complaints relating to safeguarding in 19/20, compared to none in the previous year, although it is suspected that complaints relating to safeguarding might have been recorded against other teams previously due to the multi-professional nature of response. Often a number of different practitioners are involved in an enquiry, including the Independent Sector and Commissioning. It is likely therefore, that the increase in complaints recorded against safeguarding might be connected to the lower numbers recorded against contracts and commissioning teams in 2019/20. 0-25, Financial Assessment and Transfer of Care also saw a slight increase in complaint numbers.

4.3.3 Complaints Received by Quarter

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

- Complaints logged in Q1 = 18
- Complaints logged in Q2 = 15
- Complaints logged in Q3 = 14
- Complaints logged in Q4 = 17

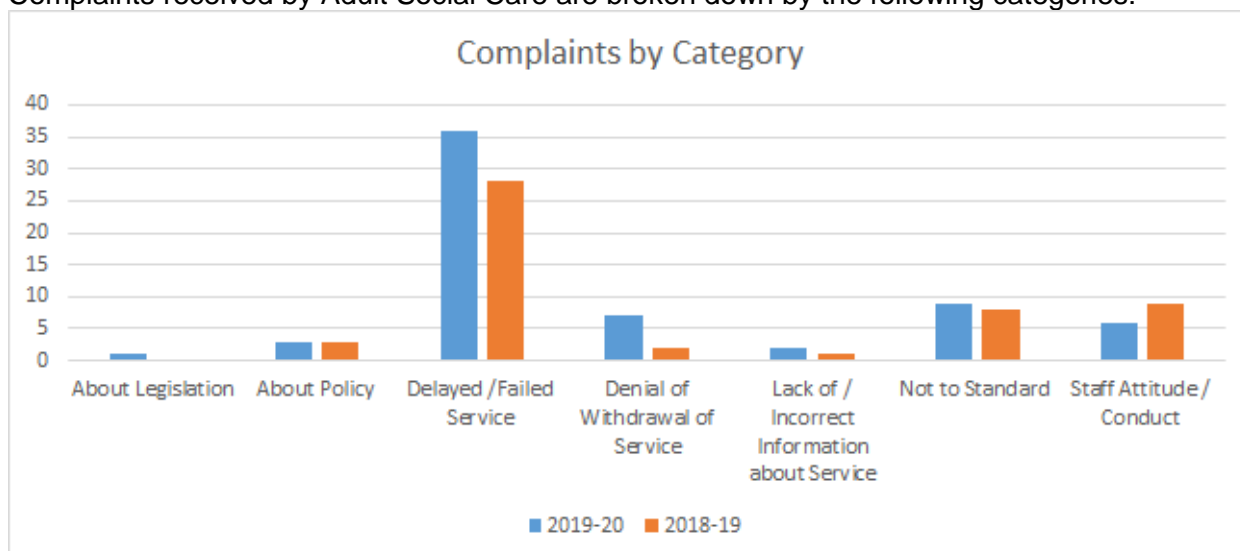
The graph below shows complaints received by month.



The numbers of complaints received each month were fairly stable with the highest number received in May (8) and the lowest numbers received in April and December (2).

4.3.4 Complaints Received by Category

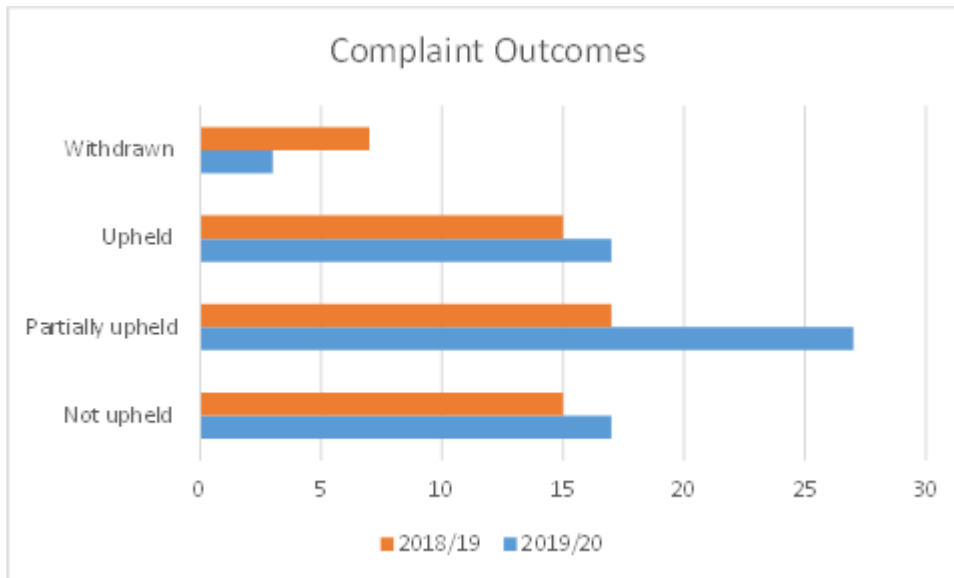
Complaints received by Adult Social Care are broken down by the following categories:



As with previous years the highest number of complaints were received in the category Delayed / Failed Service, 36 of 64 (56%). This is comparable with complaints across the council where Delay/Failed and Not to Standard are the most common categories

4.4 Outcome of complaints

In 2018/19 a high proportion of complaints were recorded as either upheld or Partially Upheld - a total of 66%. This has risen to 70% in 2019/20, with 28% being upheld and 42% being partially upheld – the outcomes are shown in the graph below:



In September 2020 The Local Government Social Care Ombudsman published the national report of complaints which were escalated which, similarly to our locally investigated complaints, showed a slight increase in the percentage upheld (including partially upheld) from 66% in 18/19 to 69% in 19/20.

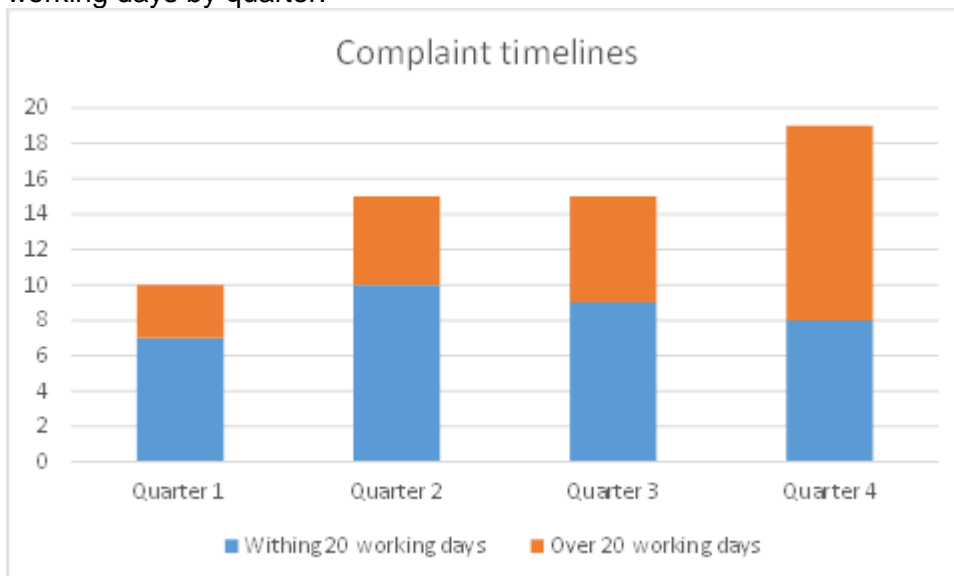
The partially upheld element of a complaint can be a relatively minor issue in comparison to the overall input provided but it is still important that we recognise these complaints in terms of continuous improvement.

4.5 Complaints Responded to within 20 working days

The ASC Statutory complaint regulations do not specify a timescale for the formal response to a complaint. However to keep the service focused on resolution we have a locally agreed target of 20 working days to respond to a complaint.

To the end of Q3 the average response time was 31 days and 65% or completed responses were sent within the 20 day timescale. The responses for Quarter 4 were impacted by Covid with a much lower percentage completed within 20 days (42%).

The graph below shows the breakdown of complaints responded to within and outside of 20 working days by quarter:



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. Responses which took over the 20 days were more likely to resolve in some subsequent action

being taken, 81% as compared to 66% overall.

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 the Assistant Director sends the final response to the complaint along with LGSCO referral rights.

The rate of escalations fluctuates annually but has previously been less than 10% per annum. This year 14 cases escalated which is approximately 20% of cases.

The Outcome changed in only one of the cases out of 14 that had a further review. This highlights that complaints are being robustly investigated at the earlier stage.

The services with the most escalations recorded are:

- Financial Assessment Team = 4
- Contract Compliance Team = 3

No other team had more than 1 escalation

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

There are currently 4 complaints awaiting investigation by the LGSCO about ASC and there have been 5 completed LGSCO investigations about ASC cases in 2019/20 with the following outcomes.

- 2 Not Upheld
- 2 upheld
- 1 Closed After Initial Enquires – No Fault found

This is a higher number of complaints investigated by the LGSCO for ASC than in the previous year.

The details of the two upheld complaints are published on the LGSCO website as follows:

Residential Care – July 2019 Summary: There is no evidence of fault in how the Council handled the Best Interests decision-making process with regard to the complainant's wife, or several related matters. There was fault which caused a minor injustice in its handling of his request for amendments to her care and support plan, but the Ombudsman does not consider there is any further action for the Council to take. He has therefore completed his investigation.

Charging – January 2020 Summary: Mrs D complains the Council is at fault for charging her father-in-law for one-to-one care provided by a care home. We uphold the complaint finding the Council gave Mrs D no satisfactory explanation of an agreement it reached with the care home to pay for care. Consequently, Mrs D had no notice of the fee increase and no opportunity to limit her father-in-law's exposure to the cost of care. The Council has agreed action to remedy the complaint, including writing-off half the money owed for the care. Wider learning was around the need to ensure clear lines of communication when urgent changes are made to stabilise a care package, if those changes will have an impact on the overall charge to the service user. This element will feed into our current review of financial processes.

4.8 **Themes and Topics from Complaints.**

Complaints covered the following topics and themes.

- Independent care providers not following the agreed care package, not being easily contactable and late/missed calls
- Attitude and conduct of staff members both in the council and independent care providers
- Delays in processes and communications
- Unhappy about being turned down for service or service being cancelled
- Errors in record keeping or communications
- Complaints around safeguarding processes
- Lack of provision of interpreters or advocates

- Unhappy with communications between health and social care at discharge from hospital
- Disputing billing or charging calculations

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 the processes for handling complaints. Examples of improvements that have been made as a result of complaints include:

Examples of actions in relation to isolated incidents raised as a complaint

- In response to complaints around staff not following processes, apologies and individual practice reminders or training for the staff member
- In response to complaints from carers about a lack of pro-active support improvement to case recording to reflect better carers needs and What If Plans.
- In response to concerns around at lack of engagement in decision making, provision of interpreters and / or advocates as appropriate and better recording of support requirements around communication in case records.
- In response to complaints about quality of care from independent sector providers, change of provider and / or increased monitoring and support for the provider. The Contract Monitoring Team work with those providers where concerns have been raised to ensure standards are met moving forward.

Examples of service level learning and action:

- In response to a complaint around assessment delays a review was undertaken with the teams to determine how the assessment process might be improved and to ensure effective communication when demand is such that there would be a delay in assessment. All those waiting are risk assessed to ensure those with greatest need are prioritised.
- Linked to a few complaints around failure to communicate information a review of all our letters has been undertaken to ensure we give the correct information at the right time.
- In response to concerns around delays in responding to carer crisis – learning has been fed into the overarching work around improving carer conversations to ensure urgent actions and pressures can be responded to without a lengthy carers assessment process. Improved the sharing of support for carers through a carers huddle for all practitioners to attend where community support for carers is explored and best practice in supporting carers.
- Where a complaint concerns a commissioned provider the complaint will also be logged on the Notification of Concern system, so that any issues can be followed up formally within the contracts management process if required.

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>

11. APPENDICES

11.1 None.