



## **Adult Social Care**

### **Complaints, Compliments and Comments Annual Report**

**01<sup>st</sup> April 2020 - 31<sup>st</sup> March 2021**

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## **1. Introduction**

- 1.1 The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 require all Councils with social care responsibilities to produce an annual report on the operation of the complaints procedure.
- 1.2 The Department of Health policy guidance requires that this report should include a summarised statistical analysis and review of the effectiveness of the Adult Social Care complaints procedure. It does not include complaint information relating to statutory Children's Social Care, wider Council services or any partner NHS agency.
- 1.3 The report is written and is made available for the following parties:
- Staff
  - Management
  - The relevant Scrutiny Committee
  - Care Quality Commission
  - Healthwatch Gloucestershire
  - The general public

## **2. Summary of Activity**

### **2.1 Key findings;**

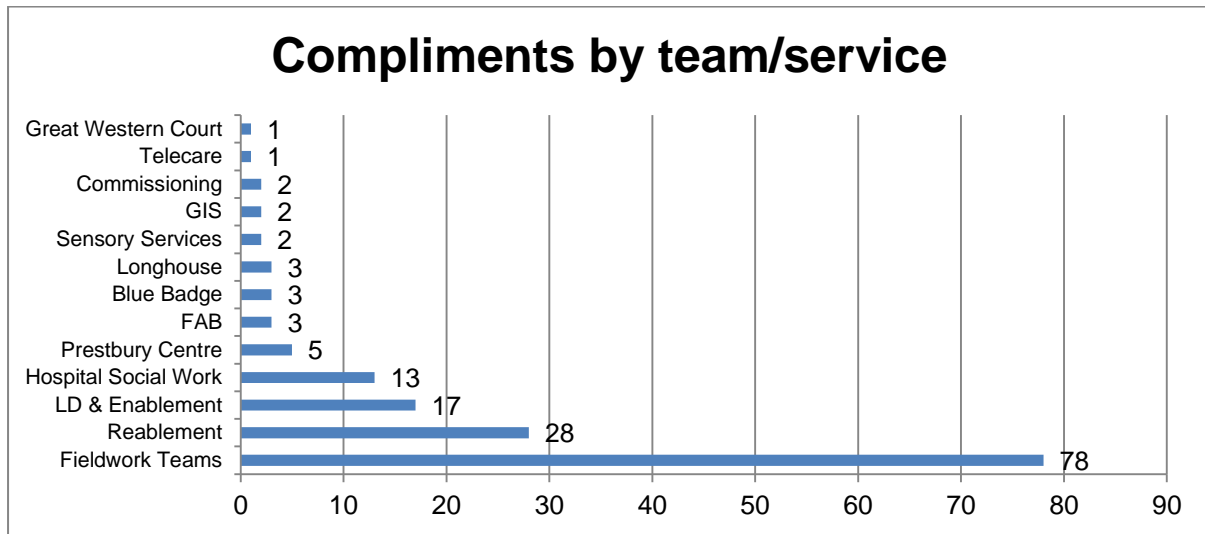
In 2020-2021,

- 92 Adult Social Care complaints were received by the Council.
- All complaints were investigated and resolved internally without the need to commission external investigators.
- Adult Social Care received 158 compliments covering all service areas.
- 17 complaints were referred to the Local Government and Social Care Ombudsman's Office (LG&SCO). Further detail can be seen on page 11.

## **3. Compliments Activity**

- 3.1 This section looks at the positive feedback received. Recording compliments enables the Adult Social Care Service to recognise the positive comments made about services and staff which provides an opportunity for management to congratulate employees.
- 3.2 There were 158 compliments recorded by Adult Social Care in 2020-2021 (table 3.3). This is a decrease to the previous year when 228 compliments were received. This decrease is most likely as a result of the Covid restrictions in place for the period, with family and friends unable to visit loved ones who are in receipt of care.

### 3.3



3.4 The majority of compliments received were related to high levels of professionalism, the information and advice provided and the friendly manner and positive outlook of staff. Many service users also commented on how supportive staff were in a time of crisis.

## 4. Complaints Activity

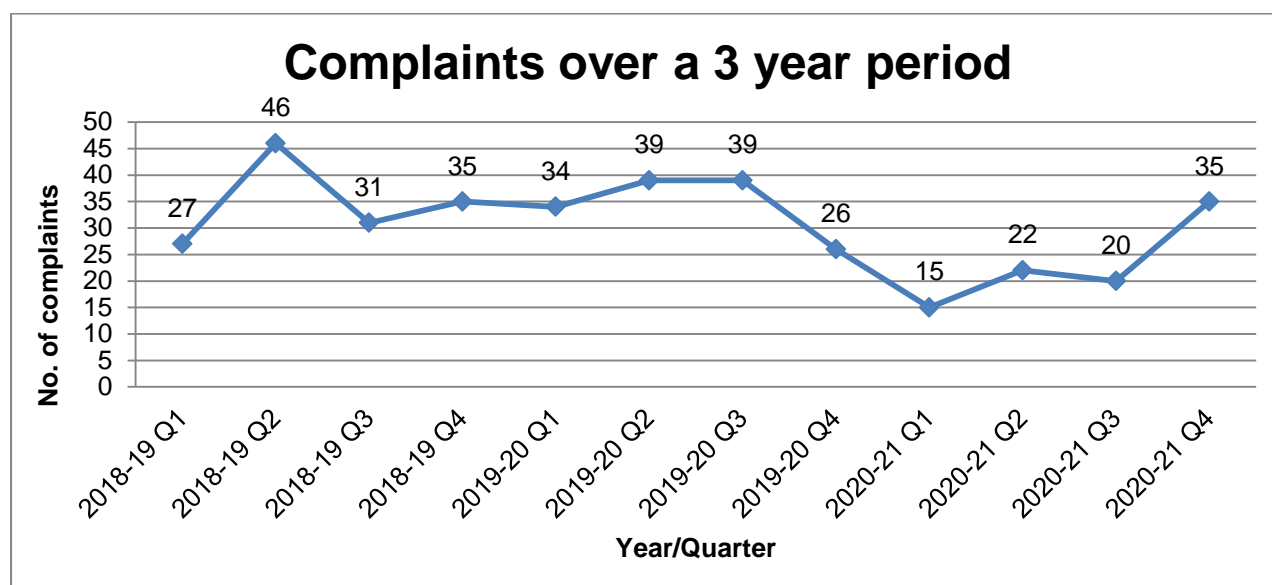
4.1 The complaints process comprises of two overall stages in order to comply with legislative requirements:

- Local Resolution which is the responsibility of the Local Authority, and,
- Recourse to the LG&SCO. (Point 5)

### Trends

4.2 In 2020-2021, 92 Adult Social Care complaints were received by the Council of which 40% were either fully upheld or partly upheld. This number is a reduction in numbers received compared to the previous year, when a total of 138 complaints were received, of which 35% were upheld. Although formal complaints remain relatively low as a lot of effort is placed on resolving issues without escalation to the formal complaints procedure, this years figures have almost certainly been affected by the Covid pandemic as explained previously in the report.

#### 4.3



4.4 Of the 92 recorded complaints in 2020-2021:

- 19% were upheld
- 60% were not upheld
- 21% were partially upheld

A further 16 complaints from customers were received but these were handed over to other agencies as they were not in relation to services provided by the Council.

4.5 The only prescribed timescale within the regulations is that a complaint should be acknowledged within 3 working days of receipt. The percentage of complaints received in 2020/2021 which were acknowledged within 3 working days was 85%. In some cases, complaints are received elsewhere within the Council before reaching the Complaints Team. This can cause a delay in those complaints being acknowledged.

4.6 Of the 92 complaints received in 2020/2021, 68% were responded to within 20 working days.

### Analysis of Complaints

4.7 The following section looks at complaints related to Adult Social Care (ASC) Teams and then separately summarises all other complaints within the remit of Adult Care Services.

### Adult Social Care Locality Team Complaints

4.8 This section provides a summary of the complaints received by each of the 7 Locality Teams in the County, including the Learning Disability team.

4.9 There were a total of 41 complaints recorded for the year (77 in the previous year). It should be noted that the total number of formal complaints dealt with by the ASC teams is very low in comparison to the number of contacts received and the number of active cases each locality holds.

4.10

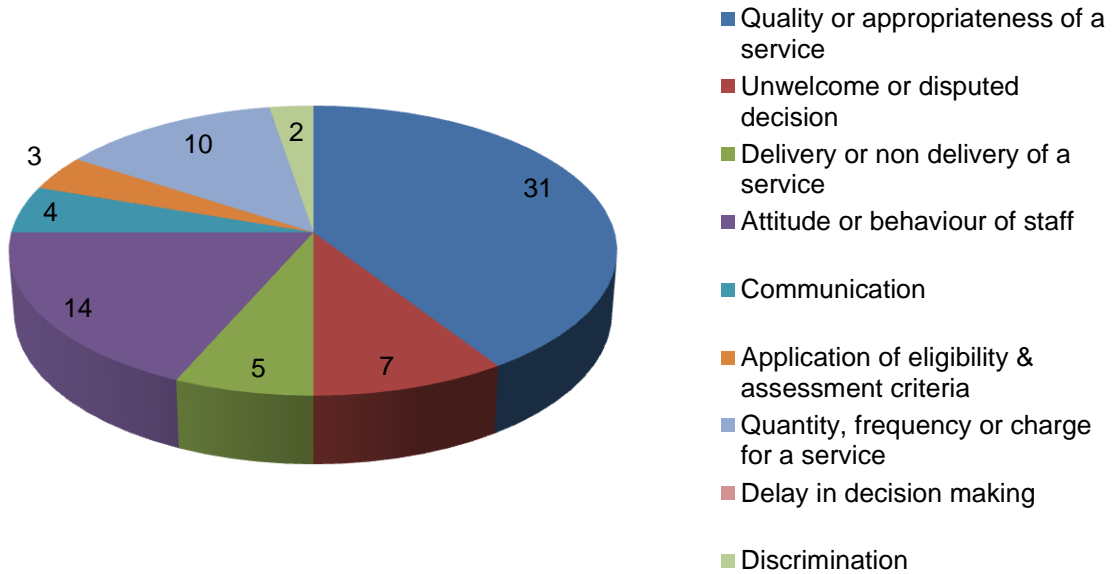


4.11 The above graph evidences a representative split across the locality teams based on demographic. Although Covid may have had an effect on the numbers of complaints received, it should also be noted the time and effort team managers expend on resolving issues with individuals before they become formal complaints.

#### Reasons for complaint

4.12 Many individual complaints include more than one area of concern and the chart below outlines the main reasons for the 41 complaints received in the year across the 6 localities.

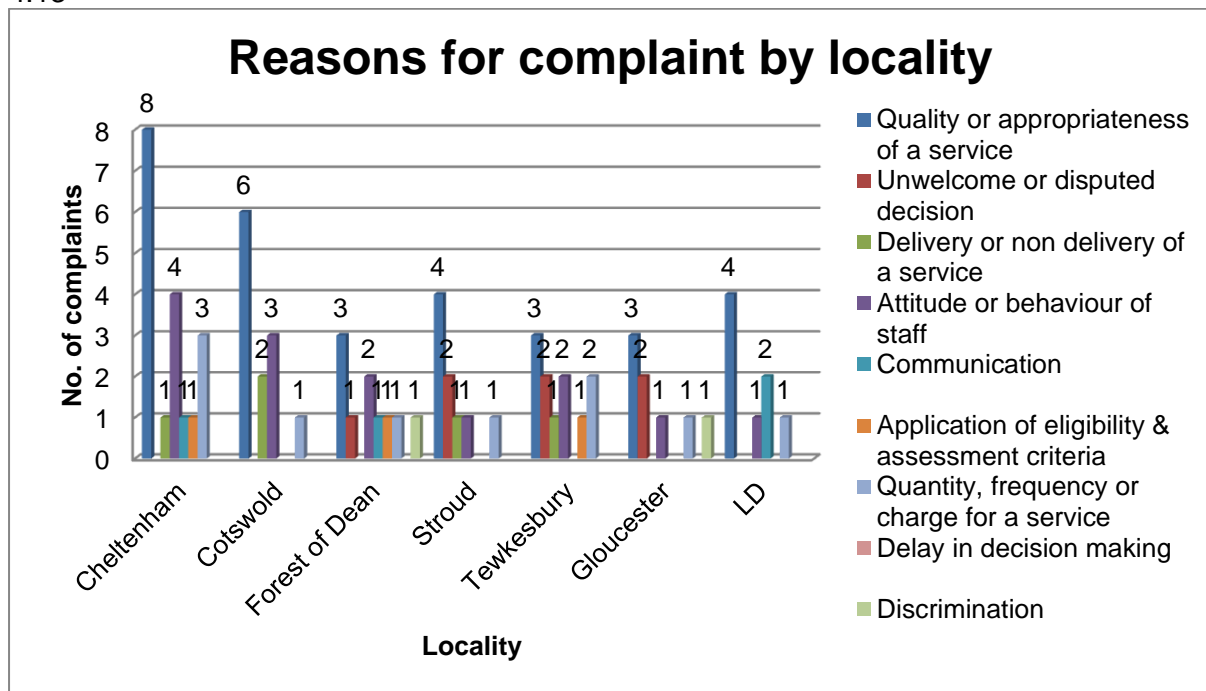
## Locality complaint reasons



It should be noted that in previous years ASC dealt with large numbers of complaints about non delivery of service (waiting for a worker to be allocated) and communication (customers contesting what ASC had said in relation to an individual's case). It is apparent from the above graph that the introduction of the 3 Tier conversation model of assessment has nearly eradicated these types of complaints.

### Issues raised (within each locality)

4.13



## **Specific Themes Highlighted by Complaints**

- 4.14 Analysis of the collected data evidences that the main themes from locality complaints are:
- Conduct of staff, including,
    1. Timeliness of responding to telephone messages and e-mails
    2. Attending meetings unprepared
    3. Lacking empathy with an individual's circumstance
    4. Leaving family and individuals distressed following contacts
  - Inaccurate assessments / wording in assessments / outcome of assessments
  - Differences of opinion between family and professionals on an individual's capacity to make decisions about their care
  - Families questioning the need for their relatives to be safeguarded
  - Future funding unclear following discharge from hospital, particularly concerning the use of Covid funding streams
  - Appropriateness of ASC intervention when a nursing home had care difficulties due to Covid

## **Other Adult Care Service Complaints**

- 4.15 The Finance and Benefits (FAB) Team received 10 complaints in the year (13 in 2019/20). The themes were;
- In relation to the outcome of the assessments. 2 complaints received regarding this matter (2 not upheld)
  - Dissatisfaction about the assessment using allowances that are based on information from the Office of National Statistics. 1 complaint received regarding this matter (not upheld)
  - Family unhappy at having to pay a full charge after they had given away capital. 2 complaints received regarding this matter (2 not upheld)
  - The assessment not taking into account a disability related expense. 4 complaints received regarding this matter (3 not upheld, 1 partly upheld)
- 4.16 The Telecare team had 3 complaints about the service (4 in 2019/20).
- The length of time it took to install an urgent piece of equipment. 1 complaint received regarding this matter (1 partially upheld)
  - The length of time it took to pick up a piece of equipment following the death of an individual. 1 complaint received regarding this matter (1 upheld).
  - The team could not be contacted for a number for weeks. 1 complaint received regarding this matter (1 partly upheld)
- 4.17 The Blue Badge team received 1 complaint about their service (8 in 2019/20).



- A member of staff left the team and the blue badge applicant was not informed, e-mails sent were therefore unread nor acted upon. 1 complaint received regarding this matter (1 partly upheld)
- 4.18 The Adult Safeguarding team responded to 1 complaint (2 in 2019/20).
- Concerns raised that Gloucestershire Safeguarding failed in safeguarding measures jointly with Health (not upheld)
- 4.19 The Admin Finance team dealt with 2 complaints (2 in 2019/20)
- That the team failed to communicate in an effective way following the issue of incorrect invoices (partially upheld)
  - That the team failed to adequately check an invoice before it was sent (not upheld)
- 4.20 The Client Affairs team responded to 1 complaint (1 in 2019/20).
- That a person was allowed to have too much money taken from their account to pay for care fees (upheld)
- 4.21 There were a total of 16 complaints made about externally commissioned services for adults (15 in the previous year), 5 for permanent residential placements (all partly upheld), 1 for residential respite care (not upheld) and 10 for domiciliary care services (3 not upheld, 3 partially upheld and 4 upheld). All these complaints concerned the quality of the care provided by individual providers. As in previous years, the Complaints Service worked closely with the Commissioning Team to try to resolve these issues. The Complaints Service also worked with the providers to ensure that any actions taken by the agency or home were monitored to minimise repeated complaints and to improve that service.
- 4.22 The Shared Lives service received 1 complaint in the year (7 in 2019/20). This was in relation to a carer's belief that the service had reneged on a written agreement to increase the rent element of their fees on a yearly basis (not upheld)

### **Changes to Practice as a Result of Complaints (All Service Areas)**

- 4.23 Many complaints only require actions to improve things for individuals, however, some complaints highlight shortfalls in a service as a whole. On a number of occasions there was individual learning taken for staff and a small number of complaints resulted in reflective discussions and further training and supervision.
- 4.24 If it is identified that we have failed an individual and this has impacted them financially, good practice dictates that we apply the principle of restitution. In the last financial year, for a small number of complaints, we have either reimbursed customers for fees that should not have been applied, waived outstanding debt because of the quality of the service provided, or have compensated customers when standards of service have not been acceptable.
- 4.25 The following represent the actions taken, or changes to practice implemented that were identified through the complaints procedure in 2020/21.

## **Locality Teams**

- Via the Practice Development team all social care staff were reminded of the importance of accurate recording of messages and referrals so the correct detail can be passed to the relevant team in a more timely way
- Staff were reminded of the importance to inform individuals and their families that the care they receive initially may become a chargeable service
- Staff were reminded that in urgent situations that require family input not just to rely on e-mails, a follow up telephone call is also needed to ensure that the message has been delivered

## **Finance and Benefits**

- Internal process reviewed and amended to ensure all people are charged the correct contribution to their care
- A review of the criteria for Disability Related Expenses was undertaken with a clear criteria issued to the team

## **Telecare**

- Made changes to the customer facing website to make it easier to access
- Alongside Gloucestershire Industrial Services the process was reviewed for the ordering and delivery of specialist equipment

## **Commissioned Permanent and Respite Care**

- A provider produced a clearer protocol for staff to ensure the safety of residents when visitors arrive in line with Covid-19 protocols
- A provider reviewed its process for itemising and accounting for personal possessions as Covid-19 restrictions prevented family from visiting

## **Commissioned Domiciliary Care Agencies**

- A provider ensured all contact details for numbers to dial in emergencies was up to date and is reviewed on a regular basis for all clients
- An agency implemented an electronic care recording and monitoring system
- An agency made improvements to its electronic care system with regard to handling messages and acting upon them
- A provider ensured all carers undertook refresher training in communication with people who have a diagnosis of Dementia

## **5. Local Government and Social Care Ombudsman**

- 5.1 If a complainant is dissatisfied with the response to their complaint, the complaint can be referred to the Local Government and Social Care Ombudsman (LG&SCO). The LG&SCO will usually only accept referrals that have previously been considered through the Local Authority's complaint procedure, however, under the regulatory

reforms, the LG&SCO now has the discretion to investigate if it is considered that there is no benefit in the Local Authority firstly considering the case.

5.2 In 2020/21, the council received 17 referrals from the Local Government & Social Care Ombudsman regarding Adult Social Care, in the previous year it received 19.

5.3 Of the 17 referrals, 12 led to full investigations. The table below sets out the decisions made on each case by the Ombudsman. In 1 case the Ombudsman has yet to make a final decision.

<b>LG&amp;SCO Decision received in year ending 31 March 2021</b>				
<b>Closed after initial inquiry</b>	<b>Premature</b>	<b>No fault</b>	<b>Fault/Injustice</b>	<b>No decision made</b>
3	1	6	6	1

5.4 Of the 6 cases that had a finding of fault, the remedies provided by the council were,

1. An apology for failure to complete a care needs assessment
2. An apology for failure to complete a care needs assessment in a timely way and a payment of £200 for the anxiety and uncertainty this caused
3. An apology for the delay in completing a financial assessment and a payment of £300 for failing to consider health conditions within this assessment
4. An apology for a mistake when completing a financial assessment and a payment of £100 for time and trouble in pursuing the complaint
5. An apology for the fault identified in a care home placement and the impact this had on an individual and a payment of £250
6. An apology for poor communication regarding a move into assisted living and a £500 payment for the distress this caused

## **6.0 Comments and Member of Parliament contacts**

6.1 In addition to managing the statutory complaints procedure and administrating the compliments process, the Complaints Team also deal with a number of other letters and contacts which are usually classed as comments. These contacts are generally concerns or requests for information that can be dealt with without recourse to the formal complaints procedure. In most cases these are dealt with within 1-2 working days of receipt.

6.2 In the reporting period there were 100 comments dealt with by the team. Of these 10 were made via MP's offices around the county.

## **7. Summary**

7.1 The Complaints Team received a total of 192 contacts (100 comments and 92 complaints) relating to customers' dissatisfaction with the Council's Adult Social Care Service, all with varying degrees of complexity. 17 cases were referred to the LG&SCO where, in only 6 cases, the LG&SCO found fault. These figures suggest

that the Adult Care Service is effective when dealing with customer complaints and comments.

- 7.2 To support the Adult Social Care Complaint process there is 1 full time Complaints and Compliments Coordinator and 1 full time Complaints Manager who also has responsibility for managing the Corporate and Children's Complaints processes.

Colin Davies  
Complaints Manager

Gary Liddington  
Complaints and Compliments Coordinator

September 2021