

Health and Adult Social Care Overview and Scrutiny Committee

BRIEFING NOTE – No. 1 2021

Date: 5 January 2021

Briefing paper to: All Members of the Health and Adult Social Care Overview and Scrutiny Committee

ANNUAL COMPLAINTS AND COMPLIMENTS 1 APRIL 2019 TO 31 MARCH 2020

Purpose: This briefing provides information on the number, type and other information on adult social care complaints received during the period April 2019 - March 2020. It also highlights some examples of the many positive things people have said about the provision of adult social care in Medway over the same period and the service improvements Medway Council has made because of lessons learnt from complaints.

Background

The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 requires local authorities to have in place procedures for dealing with complaints relating to Adult Social Care.

There is a further statutory requirement to produce and publish an annual report specifying the number of complaints received, the number of complaints which the Council decided were well-founded, and the number of complaints that the Council has been informed have been referred to the Local Government and Social Care Ombudsman (LGSCO).

The aim of adult social care is to make sure that local people get the best possible care during the times in their lives when they need help. There may be occasions when things go wrong or when people are unhappy with the service they receive. When this happens people should, and have a right to, complain. The Council's complaints arrangements focus on dealing with problems quickly and effectively, putting things right and learning from complaints to improve services. This report explains how Medway Council is doing in this respect, providing information on the number, type and other information on adult social care complaints.

It is important to reflect on the compliments and thanks received, which provide a valuable insight into the provision of adult social care services. This report also highlights some examples of the positive things people have said about the

provision of adult social care services, and the professionalism and commitment of staff.

The Council uses complaints and compliments as important learning opportunities to make changes and improvements to our services.

Complaints Process

The Local Authority Social Services and NHS Complaints Regulations 2009 introduced a single, more customer focused approach to complaint handling across health and social care. There is a single local resolution stage, in which Medway Council must investigate and resolve the complaint as speedily as possible and in a manner that best meets the needs of the complainant. The legislation stipulates that complaints should be completed six months from the date the complaint was received. If the complainant is unhappy with the outcome of their complaint, they can make a referral to the Local Government and Social Care Ombudsman.

Medway Council's complaint arrangements focus on achieving the best possible outcomes for those making a complaint. The aim is to give the service user answers or an explanation to help them to understand what happened and, where appropriate, an apology and a commitment to learn from mistakes made. The objective is to provide reassurance that when a complaint is upheld the errors made will not be replicated either to them, or to anyone else, and that the Council will take action to ensure this.

Managing Complaints

Complaints that are made verbally and are solved within 24 hours are not recorded as a formal complaint. An example is if a service user contacts her social worker because she has not received minutes of a meeting and the social worker sends the minutes the next day, this is not a formal complaint.

A complainant can make a complaint verbally to any staff member, by telephone, by e-mail or in writing. The Social Care Complaints Manager (SCCM) assesses the complaint and the seriousness of the issues raised to establish the risk and actions needed to reduce that risk. The Social Care Complaints Manager acknowledges the receipt of the complaint within three working days. The social care complaints manager will determine the most appropriate course of action for resolving the complaint, which will usually be by staff at the point of delivery. Staff should discuss and address the complaint with the complainant as quickly as possible and respond in writing or by e-mail within 20 working days. In cases that are more complex the response may take longer.

If the complainant remains dissatisfied with the outcome of the Medway complaints process and the complainant feels that the complaint has not been resolved, the Social Care Complaints Manager will inform the complainant of

their right to complain to the Local Government and Social Care Ombudsman (LGSCO) and provide the complainant with information on how to complain to the LGSCO. In dealing with any complaint, the LGSCO will consider how the Council has dealt with the complaint, including the reasonableness and appropriateness of the Council's decisions.

A service user may require assistance from an advocate or an interpreter. The social care complaints will arrange an interpreter and provide a list of organisations who can provide an advocacy service. These services will then help service users to make a complaint, to understand the process or speak for them if they wish and support them throughout the complaints process.

Medway Council is guided by the following principles of good complaint handling:

- Getting it right first time
- Providing clear information about how to complain
- Providing support to the complainant
- Being customer focused
- Listening to customers
- Being open and accountable
- Acting fairly and proportionately
- Recording complaints
- Responding in a timely way
- Putting things right if a mistake was made
- Learning from complaints and seeking continuous improvement.

Quarterly reports provide information on the number and type of complaints, and learning from complaints as well as recommendations to improve services if this was appropriate. The Manager for Social Care Complaints presents the quarterly reports to the Adult Social Care Quality and Performance Meetings.

Role of the Local Government and Social Care Ombudsman

The role of the Local Government and Social Care Ombudsman (LGSCO) is to provide redress in cases of service failure, which has caused injustice to the public and seeks to resolve cases informally where it can, determining the reasonableness of decisions of bodies being complained about.

The Local Government and Social Care Ombudsman's recommendations aim to put complainants back in the position they were in before the maladministration occurred.

The LGSCO will consider complaints from people whose social care is funded or partly funded by the Council and from people who 'self-fund' from their own resources. The LGSCO will ensure that everyone has access to the same independent Ombudsman Service, regardless of how the care service is funded.

Complaint Analysis: 1 April 2019 to 31 March 2020

Complaints handled in 2019-2020

Brought forward from 2018-2019	9
New complaints received between 1 April 2019 and 31 March 2020	117
Complaints dealt with under safeguarding procedures	0
Complaints handled between 1 April 2019 and 31 March 2020	126
Complaints responded to between 1 April 2019 and 31 March 2020	111
Complaints withdrawn	5
Open complaints still waiting for a response at year-end	10
Number of responses responded to in 20 days	78
Percentage of complaints answered in 20 days	70%

Breakdown of Stage 1 complaints, received from 01/04//19 to 31/03/20

	A pr il	Ma y	Ju ne	Q. 1	J ul y	Au g	Se p	Q.2	O ct	N o v	D ec	Q. 3	Ja n	Fe b	Ma r	Q 4	Tot al
Complaints carried over from previous month	9				8				15				9				
Total complaints received	10	5	12	27	11	15	16	42	11	8	6	25	8	6	9	23	117
Total complaints responded to	6	13	9	28	10	11	13	34	11	11	6	28	5	10	6	21	111
Total number of complaints withdrawn	0	0	0	0	0	0	1	1	2	0	1	3	1	0	0	1	5
Total number of complaints responded to in 20 days.	5	9	7	21	9	9	12	30	7	6	4	17	3	5	2	10	78

% of complaints dealt with within 20 days*	83 %	69 %	78 %	75 %	90 %	8 2 %	92 %	88 %	64 %	5 5 %	66 %	61 %	60 %	55 %	33 %	48 %	70 %
-------------------------------------------------------------------	---------	---------	---------	----------------	---------	-------------	---------	----------------	---------	-------------	---------	----------------	---------	---------	---------	----------------	----------------

% of complaints acknowledged within 3 days	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Total number of complaints not responded to at end of each quarter								15					9				10

Comparison of number of complaints received, by year

2019-2020	2018-2019	2017-2018	2016-2017	2015-2016
117	112	83	82	95

Number of stage one complaints, received in 2018-2019, by team.

Team	Total
Locality 1	26
Locality 2	21
Locality 3	16
Disability under 25	7
Integrated Discharge Team	9
Occupational Therapy	4
AMPH+DOLLS	4
Shared Lives Team	0
Commissioning and Partnership	16
Financial Assessment	4
SDS	4
Client Financial Services	15
Client Financial Affairs	3
Total	129*

*This is more than the 117 complaints received as several complaints involved more than one team.

Comparison of numbers of complaints about the frontline teams in Adult Social Care (not including Partnership Commissioning Team and Client Financial Services).

2019-2020	2018-2019	2017-2018	2016-2017	2015-2016
83	79	66	63	69

Complainants accessed the complaints procedure in the following ways:

- Sixty-three complainants e-mailed the social care complaints manager.
- Twenty-one complainants telephoned the social care complaints manager.
- Fifteen complainants sent a letter
- Five complainants sent an email followed by a letter.
- Five complainants contacted the social care complaints manager via Jadu.
- Five complainants came into see the social care complaints manager in person.
- Three complaints were referred by the Local Government and Social Care Ombudsman as premature complaints.

Complainant's ethnicity

White/British	109
White/Any Other White Background	0
Asian/British Indian	2
Asian/Bangladeshi	2
Black/ Black British/Caribbean	2
Black/ African	1
Other Ethnic group	1
Total	117

Timeliness of Responses

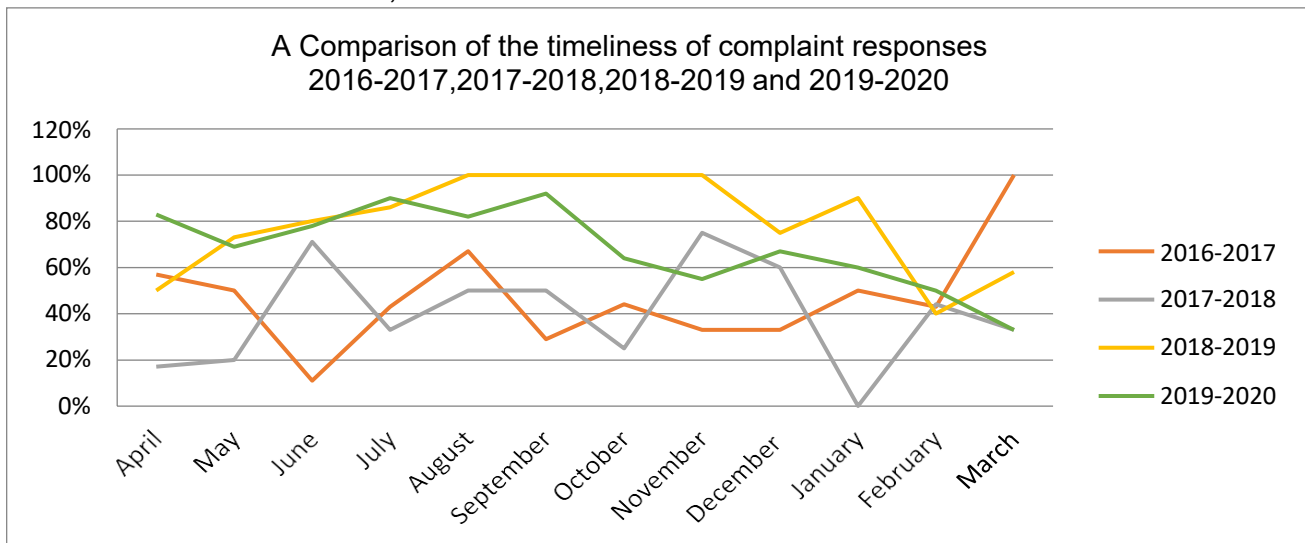
The Health and Adult Social Care Overview and Scrutiny Committee made a recommendation, in June 2015, to change the timescale for a response to an adult social care complaint from 10 to 20 working days. Cabinet accepted this

recommendation, commencing on 1 August 2015. Medway Council now aims to reply to social care complaints within 20 working days, although this may vary depending on the complexity of the case and the number of issues complained about. Some complaints can involve several teams and services, for example, client financial services, locality teams, commissioning, service providers and health services.

Time taken to respond to complaints between 01/04/19 to 31/03/20.

	0-20 days	21-25 days	26-64 days	65+ days	Total
Number of responses	78	15	17	1	111
% of complaints responded to	70%	14%	15%	1%	100%

In 1920-2020 70% of complaints were answered in 20 days compared with 82% in 2018-2019, 43% in 2017-2018 and 45 % in 2016-17.



Number of responses within 20 working days in each quarter

	Responses within 20 working days
Q1	2 1
Q2	3 0
Q3	1
Q4	1 0

Types of issues raised and outcomes for complaints responded to between 1 April 2019 and 31 March 2020.

Complaint type	Not Upheld	Partially Upheld	Upheld	TOTAL
Financial	10	1	17	28
Lack of/ poor communication	4	2	22	28
Behaviour or attitude of staff	5	1	6	12
Service provided	4	0	1	5
Standard of home care	1	1	8	10
Disagreeing with a financial assessment/decision	1	0	0	1
Disagreeing with a decision re service provided	5	0	0	5
Lack of support	1	1	0	2
Disagreeing with an assessment	1	0	0	1
Standard of respite care	0	0	1	1
Not providing a service	1	1	0	2
Delays in providing a service	1	0	3	4
Discharge from hospital	1	1	0	2
Disagreeing with a decision	1	0	0	1
Standard of residential care	2	1	1	4
Delays in assessing needs	0	0	1	1
Delay in reviewing a care plan	0	0	1	1
Delays in allocating a social worker	0	0	2	2
Delays in finding a residential placement	1	0	3	4
Changes in social worker	0	0	2	2
Total	39	9	68	116*

*The total number of issues complained about is greater than the 111 responses sent in 2019-2020 as one complaint can be about several issues

Analysis of issues complained about.

- The number of upheld complaints about lack of communication increased from 25 in 2018-2019 to 28 in 2019-2020.
- There were no upheld complaints about discharge from hospital. The Integrated Discharge Team has sustained the reduction of complaints about the discharge from hospital process for three years.

- The number of upheld financial complaints increased to 17 compared with 13 in 2018-2019 and 19 financial complaints in 2017-2018
- The number of upheld complaints about the behaviour and attitude of staff decreased to 6 in 2019-2020, compared with 13 in 2018-2019.

26 (23%) complainants were not satisfied with the initial response to their complaint compared with:

26 (29%) complainants in 2018-2019
 11 (15%) complainants in 2017-2018
 7 (9.5%) complainants in 2016-2017
 11 (11%) complainants in 2015-2016

The outcomes for the complaints who were dissatisfied with their initial response to their complaint were as follows:

- Nineteen complainants received further responses.
- Two complaints were resolved with further responses and actions.
- Five complainants referred their complaint to the Local Social Care Ombudsman.

Decisions made by the Local Government and Social Care Ombudsman (LGSCO)

The Local Government and Social Care Ombudsman received six complaints in 2019-2020 compared with six complaints in 2018-2019, 3 in 2017-2018, six complaints in 2016-2017 and 11 complaints in 2015-2016.

The Local Government and Social Care Ombudsman referred three pre-mature complaints to Medway Council to investigate the complaint within the local complaints procedure. Two of these complainants went back to the LGSCO as they were dissatisfied with the response to their complaint.

The LGSCO concluded an instigation that was carried over from 2018-2019.

The LGSCO concluded one investigation, referred in 2019-2020.

Four investigations were carried over to 2020-2021 due to COVID-10.

The outcomes of the two concluded LGSCO investigations are as follows:

- The complainant said that Medway Council should have paid for the lift to be removed from her mother's property. The lift was provided by a Disabled Facilities Grant to her mother. The Council had no statutory duty

to assist financially to remove the lift. The Council properly considered whether to help, gave correct advice to Ms B, and signposted her to the company that installed the lift.

The final decision was Not Upheld: no maladministration.

- A daughter complained about the domiciliary care of her mother by both Medway Council and commissioned carers. Specifically, she complained about the lack of maintenance of her mother's hygiene, repositioning and the lack of care of her pressure sores.

The LGSCO did not find any evidence that the carers failed to meet her mother's needs.

Final decision was Not Upheld.

Learning from Complaints

The Manager for Social Care Complaints presents quarterly reports at performance and quality assurance meetings to ensure that teams learn lessons from complaints and that performance is monitored in terms of timeliness of responses to complaints.

Financial complaints

Medway Council upheld seventeen complaints about financial issues.

- Several complainants complained that Medway Council charged them for the first six weeks care, following discharge from hospital. They said they thought this was free. In some cases, there was clear evidence that the social worker had given out a leaflet explaining enablement. In other cases, there was no evidence, which resulted in these complaints being upheld. In one case, Medway Council reduced the invoice by 50%.
- The majority of financial complaints were about incorrect invoices. Medway Council overcharged for services not received while in the service user was on holiday, when the day centre was closed, calls were cancelled and when a service user died. Some mistakes occurred when the service provider or relatives did not inform the social worker about a variance to the care package. In two cases the service users had already been paid for the invoice. Medway Council corrected the mistakes in the invoices and the complainants received an apology.
- Four complainants complained about a lack of clarity about top-up fees. All staff should provide clear information as to when the service provision is enablement and when service users have to pay for the service.

Services users need to understand they may have to pay for services before the six weeks period ends.

- One service user complained that Medway Council did not inform him he had to pay for a helpline and he did not want a helpline. Medway Council agreed to waive the charge.

An important issue is the length of time it took to resolve financial complaints. Complainants said they were passed from team to team, that Medway Council worked in silos, that no one returned their phone calls. One complaint said it took nine months to correct a £26 overcharge. One complaint said the customer service was poor as he was sent around the houses; another said Medway Council passed her from team to team. One said it was impossible to discuss his invoice because the social care system is so fragmented.

The learning from these complaints is that social workers should record all services on Mosaic, as well as any variations to services provided. Clear information about financial assessments should be given to service users and their relatives. Medway Council is undertaking a project to improve the communication with service users and to ensure they have all the necessary information and to help them understand about how much they will have to pay for their care package and residential care.

Complaints about a lack of communication

- There were several complaints about a lack of communication from staff, mainly about phone calls not returned and e-mails not answered. Many complainants initially tried to resolve their complaints informally but then complained about the lack of response to their queries or concerns. The complaints about a lack of communication are across the areas of finance and the social care teams.
- A son complained about a lack of communication as the social worker did not return calls. The social worker was on sick leave for a month and then on leave. It is important there are contingency plans to cover an absent social worker's caseload.
- A son complained about a lack of communication between another local authority and Medway Council when his parents moved. Medway Council did not tell the parents or the son that the parents were assessed as not needing residential care or that they needed a financial assessment. Medway Council apologised.
- A service user complained about the delay and lack of communication in finding a suitable placement following his stay in hospital. Medway Council apologised for the lack of feedback about how the search for a suitable placement was going.

- A service user complained that no one answered her emails requesting help. She requested a response in easy read.

Medway Council is looking at ways to improve the timeliness of responses to telephone calls and emails. The financial assessment team are now providing written information about charges for care packages and residential care. Staff need to keep service users informed when there are delays in finding an appropriate residential placement.

Behaviour of Staff

- A carer complained that a social care officer did not keep an appointment for a carer's assessment. The officer was on sick. The manager emailed all the staff to ensure that everyone is clear about the procedures for reporting an absence from work.
- A service user complained about the way the carers spoke to him; they were patronising and called him darling. Medway Council accepted that such behaviour was not acceptable and undertook to ensure that carers called service users by their name.
- A complainant was offended by the tone of an email sent to her. The manager apologised.

There was a significant decrease (54%) in the number of upheld complaints about the behaviour of staff.

Services Provided

- A son complained that his mother was placed in unsuitable accommodation; the door to the bathroom could not be altered and the heating did not work. The learning from this complaint is that all future referrals, requesting support advice around a person's mobility in relation to moving house, will be sent to Occupational Therapy for an assessment. Medway Council apologised.
- Several complainants complained about delays in reviewing care plans, in assessing a parent's need, in Occupational Therapy assessments and in a carer's assessment. There was one complaint about the delay in arranging a care package.
- There were complaints about commissioned services for care at home about missed calls, only one carer arriving when the care plan specified double handling and carers being late or too early.

Compliments

Compliments provide valuable information about the quality of our services and identify what is working well. The Adult social care Teams send compliments to the social care complaints manager for logging. Quotes from compliments are listed below.

- A service user thanked an Occupational Therapist for all her hard work in getting an adaptation installed. The service user was very grateful.
- A service user sent an occupational therapist a thank you card for all her help.
- A wife emailed to say *“a big thank you to the wonderful lady that went round to see her husband. She was very informative and arranged for him to have care almost straight away and has made the transition back to his house so much easier for him”*
- A daughter wrote *“My father would like to recognise two staff members who have been so kind and helpful during his recuperation from hospital. When he left hospital he was completely bed ridden and needed a lot of support. The workers were supportive and motivational, they gave him the respect and belief in himself to return to unassisted living, which he has now. Both recognised that he had the determination and strength to regain his independence given the right support. I would also like to add my thanks to these exceptional individuals who liaised with me and lent their support with kindness and understanding during what was a difficult time”*.
- A relative emailed: *“ I just wanted to say thank you for another year of short break money, it means so much to X and us as a family”*.
- I am writing to you: *“to express my whole hearted gratitude to D. D came into our life (for which I will be forever grateful) at a time when we are at our lowest - not only am I slowly losing my husband and he is losing his world, we also had a bereavement. D has shown nothing but compassion, strength, empathy and the ability to deal with us and get the job done at every moment. There were times when we have both been crying but D just found the words and encouragement to lift us. Thank you so much for having a wonderful person like D to help us. Without D I am unsure of where we would be today.”*

- A service user emailed to say *“thank you for chair and the new hoist system that was installed downstairs and is fantastic. The chair is comfortable and the hoist is much safer and easier to use. Thank you so much you and your team are amazing”*.
- A service user sent a card saying, *“Thank you so much for all your help and thank you so much for my lovely shower room- it makes things so much easier for me”*.
- A service user wrote *“thank you so much for all the help and support in getting our wet room and fencing. The whole process would not have been possible without Z. She is a credit to your team. I am sure you value her greatly. Thank you again for making this happen”*.
- A client wanted the occupational therapist to know that in the worst of circumstances she was so grateful for the occupational therapist’s kindness, patience and expertise and she felt so much better after the occupational therapist’s visit.
- A service user phoned the manager to say the occupational therapist was brilliant. He reported that he is now able to go up and down the stairs without falling and he can have a shower. He was very happy.
- The Self-Directed Support Coordinator received the following email: *“Just to say thank you for the most helpful, informative and useful meeting with you and the family last Friday. The support plan has progressed most effectively.*
- *Having the respite up and running is a real blessing for me. Thank you for all your support.”*
- A client sent an occupational therapist flowers and a thank you note.
- Medway Community Support Outreach Team received two compliments on a card:
“I just want to say thank you for all the support and help you give to our patients in Littlebrook. The work that you do is really appreciated and makes a significant difference in recovery for our services users. “

- The Acute Care Group sent a card to say: “Well done for supporting service users and inpatient teams so helpfully and for working in such a person centred way.”

Social Work is a difficult job, supporting individuals during what may be the most difficult time in their lives. These situations are emotionally charged and extremely complex. Good practice can make a real difference to people’s lives.

It is just as important to learn what works well and what service users’ value, as it is to learn from our mistakes.

Equalities Data

The Council is committed to achieving equality of opportunity, access and outcomes for all, through the delivery and commissioning of high- quality services that are accessible and fair and mainstreaming equality and diversity across all service delivery activities. All new services commissioned are subject to a diversity impact assessment that compels service providers to think carefully about how the services are for and demonstrate how it intends to serve their needs. This gives the Council a better measure of the impact the services are having on the community.

Service users come from many different ethnic backgrounds and many have disabilities. We will refer vulnerable adults to an advocacy service if they need assistance in making a complaint. We have made sure that a complainant who was visually impaired received letters in large print. If a complainant is not able to send in a written complaint, we will see the complainant at a venue that is convenient and assessable for them. We will organise a translator if required. We will continue to look at ways to make the complaints process more accessible to adults with disabilities by ensuring that information to about how to complain is published, in easy read, on the website.

Lead Officer Contact:

Sandy Weaver, Manager for Social Care Complaints.
Customer Relations Team, Customer and Business Support Service (CABS)
Telephone: 01634 331708