

REPORT BY DIRECTOR OF ADULT SOCIAL CARE & HEALTH SERVICES

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES & EDUCATION COMMITTEE		
DATE:	19 January 2021	AGENDA ITEM:	
TITLE:	ANNUAL COMPLAINTS AND COMPLIMENTS REPORT 2020/21 FOR ADULT SOCIAL CARE		
LEAD COUNCILLOR:	COUNCILLOR ENNIS	PORTFOLIO:	ADULT SERVICES
SERVICE:	ADULT SOCIAL CARE & HEALTH	WARDS:	BOROUGHWIDE
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Adult Social Care recognises that there will be occasions when things do go wrong, and complaints are made. This short report tells you how many complaints were received in 2020/21 and were dealt with using either the Council's Corporate Complaints Procedure or the Statutory Complaints Procedure for Adult Social Care. It also summarises the main types of complaints we have received and provides some examples where we have improved as a result of learning from these complaints.
- 1.2 The purpose of this report is to provide an overview of complaints and compliments activity and performance for Adult Social Care for the period from 1 April 2021 to 31 March 2021.
- 1.3 During this period the service received 17 corporate complaints, which is a 30.8% increase over the 13 received in 2019/20, and 71 statutory complaints, which is a 15.5% decrease over the 84 received in 2019/20.
- 1.4 The main themes for the period 2020/21 for both corporate and statutory complaints are:
- Quality of Service Provided
 - Financial Issues
 - Staff Conduct
 - Communication
- 1.5 A summary of Adult Social Care Complaints and Compliments 2020/21 is at Appendix A. This will also be made publicly available through the Council's website from 25 October 2021.

2. RECOMMENDED ACTION

- 2.1 That the Committee notes the contents of the report.**

3. POLICY CONTEXT

- 3.1** Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 require that Local Authorities operate the procedure. In September 2009, the Department of Health introduced a complaint procedure to cover both adult social care and health services. This meant a 3 stage complaints procedure became a 1 stage complaints procedure. Following investigation of the complaint by the Council, if the complainant is not satisfied with the outcome the complainant is advised to contact the Customer Relations & Information Governance Manager, to share their concerns with a view to possibly reviewing them with a senior manager or proceed to the Local Government Ombudsman.
- 3.2** Complaints relating to Adult Social Care that fall outside of the scope of the statutory process are investigated in accordance with the Council's Corporate Complaints Procedure.
- 3.2.** Compliments can be an indicator of when the Council has performed well and can highlight the positive outcomes for the public who are in contact with us or that we provide a service to.

4. ACTIVITY

- 4.1** The Council operates a 1 stage complaints procedure in respect of statutory complaints about Adult Social Care made by 'qualifying individuals', as specified in the legislation. Qualifying individuals are defined in national guidance as the Service User or their appointed representative which can be a family member, friend or Advocate. The timescale for responding to complaints is between 15 working days and 3 months, depending on the seriousness and complexity of the complaint. The guidance provides a risk matrix to assist the Customer Relations & Information Governance Manager, who is the designated Complaints Manager for the Council, to assess the complaint.

Reading Borough Council's Corporate Complaints Procedure gives an opportunity for those who are not 'qualifying individuals' under the social services legislation, to still be able to complain about Adult Social Care.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1** The Complaints Service provided by the Customer Relations Team contributes to the Service's aims to enhance emotional wellbeing and deliver outstanding services for service users who may be dissatisfied with the Adult Social Care service and those needing protection through Adult Safeguarding. It does this by providing an impartial and supportive service to service users and their families who wish to complain or raise a concern and ensuring that there is learning from complaints.

6. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 Information about the complaints or compliments process is provided verbally to service users via the Social Care Teams as well as the Customer Relations Team. Leaflets on the procedures are also widely distributed by the Social Care Teams and available in a variety of formats and languages on request.
- 6.2 Service Users are reminded of their right to complain or make a compliment and a leaflet is given out when the social worker first meets with them. Service users and/or their representative can also register a complaint via the web, email direct to the Customer Relations Team, in person, by phone, in writing or via an advocate.
- 6.3 Translation services are provided for complainants whose first language is not English and advocacy support is available for those people who wish to make a complaint.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 The Customer Relations & Information Governance Manager will ensure that the statutory complaints/compliments process is accessible to all customers regardless of their race, gender, disabilities, sexual orientation, age or religious belief.
- 7.2 The statutory complaints process is designed to ensure that any concern or issue faced by the service user or their representative is addressed in a timely and impartial manner.

8. LEGAL IMPLICATIONS

- 8.1 The Statutory foundations for the Adult Social Care Services Complaints Procedures are The Local Authority Social Services Act (1970), The Human Rights Act (1998), Statutory Instruments 2009 No.309 National Health Service, England Social Care, England, the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

9. FINANCIAL IMPLICATIONS

- 9.1 There are no Capital or Revenue implications arising from this report.

The Council's Customer Relations Team provides value for money in effectively discharging the complaints process for the Council by attempting informal resolution of complaints.

There are no specific financial risks arising from this report.

10. BACKGROUND PAPERS

- 10.1 Department of Health, Advice Sheet for Investigating Complaints - Listening, Responding, Learning.

ADULT SOCIAL CARE COMPLAINTS & COMPLIMENTS 2020/21 SUMMARY REPORT

Introduction

This is a summary report of the data for complaints/compliments received by Adult Social Care for the financial year 2020/21.

The Council welcomes feedback through the complaints/compliments process which, as well as providing the opportunity to identify where services have not been provided as they should be, also provides customer insight and helps identify any deficiency in practice, policies and procedures. It is from these that the Service and those who work in it can continue to learn and improve practice and service delivery.

Statutory Complaints Procedure

General complaints about Adult Social Care received from Service Users or their approved representatives (Family Member, Advocate or Power of Attorney) are dealt with through the statutory procedure. This will be one investigation by a senior officer in the relevant service area (Team Manager) and then signed off by either a Service Manager or Assistant Director.

At the Complainant's, or their representative's, request, an external, independent investigator can be appointed to investigate if the Customer Relations & Information Governance Manager deems the complaints to be at medium or high risk. The following Risk Matrix is used to assess the complaint.

Risk Matrix

The matrix below is used by the Customer Relations & Information Governance Manager in confirming the level of risk once an expression of concern has been considered within the formal complaints procedure.

		LIKELIHOOD OF RECURRENCE				
		RISK	Rare	Unlikely	Possible	Likely
SERIOUSNESS	Low	Low	Low	Low	Moderate	Moderate
		Low	Moderate	Moderate	High	High
	Moderate	Low	Moderate	High	High	Extreme
		Moderate	Moderate	High	High	Extreme
	High	Moderate	High	High	Extreme	Extreme
		Moderate	High	Extreme	Extreme	Extreme

Time Limits

Level of Risk	Maximum Time Limit for Completion
Immediate resolution	1 working day - confirm outcome
All accepted as formal complaints	Acknowledge within 3 working days
Low	15 working days
Moderate	25 working days
High	65 working days
Extreme	Up to 6 months

If the complainant feels that the issues they have raised remain unresolved, they have the right to request a meeting with the Locality Manager/Deputy Director and the Customer Relations & Information Governance Manager or refer their complaint to the Local Government & Social Care Ombudsman.

The Statutory Complaints process encourages the complainant and the Local Authority to consider resolving a complaint or concern informally through a face to face meeting or telephone discussion. It is the complainant's right to request the presence of the Customer Relations Manager at any face-to-face meeting.

Some complaints may require immediate action including whether the matter should be considered as a safeguarding issue. If it is a safeguarding issue, the relevant procedures would take precedence over the complaints procedure.

Corporate Complaints Procedure

The Corporate Complaints Procedure deals with complaints which do not meet the criteria for investigation through the Statutory Procedure (for example the complaint is made by a Provider or a family member who does not have consent from the Service User to make the complaint) and is a 2-stage process. The first stage provides an opportunity for a local resolution of any problems which may arise, and it is expected that the majority of complaints will be resolved at this level, usually within 20 working days or less. Where the problems cannot be resolved to the complainant's satisfaction at a local level, Stage 2 of the process involves the investigation of the complaint by a more senior member of staff, usually within 30 working days or less and with a formal sign off by an Assistant Director/Deputy Director.

Where the complainant feels that the issues they have raised remain unresolved, they have the right to refer their complaint to the Local Government & Social Care Ombudsman.

Summary of Compliments and Complaints Activity, Quality Assurance & Learning

This report details information for the past year together with analysis of the data, quality assurance and information on service developments as a result of learning from complaints. Under the current monitoring system, information about complaints received directly by teams is reported to the Customer Relations & Information Governance Manager upon receipt. This is to ensure that the Customer Relations & Information Governance Manager is aware of all current complaints in order to monitor their progress and highlight cases that can be resolved through Alternate Dispute Resolution (ADR) to Team Managers and senior staff.

Corporate Complaints

Please Note: The following tables include information for those complaints received and investigated at Stages 0 and 1 only, as complaints which go on to Stage 2 would count as being a duplicate complaint received for reporting purposes.

For information, the service received one request for a complaint to be investigated further at Stage 2 during this reporting period.

Total Number of Corporate Complaints Received

	Total No. Received	Stage 0	Stage 1
2015/16	29	8	20
2016/17	5	3	2
2017/18	7	3	4
2018/19	9	1	8
2019/20	13	3	10
2020/21	17 (+30.8%)	2	15

Outcomes for complaints investigated formally

Upheld	Part Upheld	Not Upheld	No Outcome	Multiple Outcomes
7	1	4	2	3

Timescales for those investigated

In Timescale	Over Timescale
8 (47.1%)	9 (52.9%)

Spread of Complaints across Teams

Team	Number	% of Total
Commissioning	6	35.3%
Deputy's Office	1	5.9%
Localities Team	3	17.6%
PBST	1	5.9%
Short-Term Team	4	23.5%
Transformation Programme Team	1	5.9%
Wellbeing	1	5.9%
Total	17	100%

Themes

Theme	Number	% of Total
Financial Issue	5	29.4%
Health & Safety Issue	1	5.9%
Policy Issue	1	5.9%
Quality of Service Provided	6	35.3%
Staff Conduct	4	23.5%
Total	17	100%

How Was Complaint Received

Method	Number	% of Total
Email	11	64.6%
Letter	2	11.8%
Telephone	2	11.8%
Webform	2	11.8%
Total	17	100%

Statutory Complaints

Total Number of Statutory Complaints Received

	Total No. Received	% change over previous year	Stage 0	% of total received	Stage 1	% of total received
2015/16	86		33	38.4%	53	61.6%
2016/17	62	-27.9%	20	32.3%	42	67.7%
2017/18	79	+27.4%	22	27.8%	57	72.2%
2018/19	72	-8.9%	21	29.2%	51	70.8%
2019/20	84	+16.7%	30	35.7%	54	64.3%
2020/21	71	-15.5%	33	46.5%	38	53.5%

Outcomes of statutory complaints investigated formally

Outcome	No.	% of Total
Upheld	10	26.3%
Partially Upheld	2	5.3%
Not Upheld	14	36.8%
No Outcome	2	5.3%
Multiple Outcomes	10	26.3%
Total	38	100%

Timescales for responding to statutory complaints

In Timescale	%	Over Timescale	%
18	47.4%	20	52.6%

Note: The statutory complaints above, we worked to an initial 15 working day response date extending to no more than 20 working days.

Spread of Complaints across Teams (All Complaints)

Team	Number Received	% of Total
Community Mental Health	5	7.0%
Commissioning	5	7.0%
Community Reablement	2	2.8%
Deputy's Office	3	4.2%

Financial Assessments & Benefits	7	9.9%
Localities	14	19.7%
Personal Budget Support	4	5.8%
Safeguarding Adults	1	1.4%
Short-Term Team	29	40.8%
Wellbeing	1	1.4%
Total	71	100%

Themes (All Complaints)

Theme	Number	% of Total
Communication	9	12.7%%
Financial Issue	23	32.4%
Health & Safety Issue	1	1.4%
Lack of Support	1	1.4%
Quality of Service Provided	29	40.8%
Staff Conduct	8	11.3%
Total	71	100%

How Was Complaint Received (All Complaints)

Method	Number	% of Total
Email	53	74.6%
Letter	11	15.5%
Telephone	7	9.9%
Total	71	100%

Learning & Service Improvements following Complaints received

Complaints and concerns provide essential and valuable feedback from our clients and customers. Listening to customers and reflecting on examples of where we have not got it right can reveal or highlight opportunities for improvement (for example, a deficiency in practice, communication or service delivery). Even if a complaint is not upheld, lessons can be learnt from that complaint with service developments and improvements as a result. The complaints process and the feedback gained is an integral part of the quality assurance process, which feeds into the development and monitoring of services. Learning from complaints should be reviewed by Social Care teams regularly at their team meetings. Below are some examples of learning from complaints in the past year along with key service improvements as a result of complaints received.

Examples of complaints and learning

Complaint:

Not notified of the increase to their mother's care charges.

Learning:

- A project is underway now to look at the processes that will be used in the lead up to April 2021, to ensure that anyone whose care charge is increasing as a result of inflation will be notified in writing beforehand.

Complaint:

Brother, was not informed that the fact that he owns a property that he does not live in, would make him liable to pay for the full cost of his care, which he cannot afford.

Learning:

- The team to work across service areas in Adult Social Care to ensure greater awareness of the Council's charging policy so that all staff can inform service users and their family about the implications of the policy.

Complaint:

Only given one option of a care home, when was originally told there they would be able to pick from two or three, and the delay in the financial assessment being agreed, which caused a lot of stress and worry.

Learning:

- Workers to encourage families to start making plans or thinking about the future when assessing/reviewing care needs.
- Supervisors/Managers ensure the workers check and understand the outcome/decision of a service user's care needs and that if any actions are required, they are completed in a timely manner.

**Service Improvements
For 2020/21**

The Hospital Team adapted their way of working in line with new Hospital Discharge guidance issued during the pandemic. This resulted in people leaving hospital sooner, enabling people to recover at home rather than in a hospital setting. This was possible due to additional therapy and support available for people at home arranged by the Council.

Whilst a number of inhouse services needed to close due to the restrictions imposed by the pandemic a new outreach service was developed. This meant that service users and their carers who were in need of respite could receive it in their own home thus reducing the impact of the social isolation caused by the pandemic.

In response to the increasing numbers of people in hospital the Council put in place a new hospital to home service in a hotel on a temporary basis. This successfully supported over 60 people to be discharged from hospital quickly to receive further support in the hotel to continue their recovery. Due to the focus on therapy and achieving outcomes, a number of people went home from the hotel with limited or no requirement for ongoing care.

The Contracts and Commissioning Team were successful in going live with the new Supported Living and Homecare framework on 1 April 2020. The framework itself was

new and improved from the previous version based on their learnings of what worked well and to achieve it they undertook a huge amount of collaborative work with Providers to get the right outcomes. Having the framework in place with increased number of Providers who worked closely with them was invaluable as they worked through the impacts of the pandemic.

Quality Assurance

The Customer Relations Team carries out checks of all complaint responses to ensure the quality of the response and that the language and terminology used is made easy for the complainant to understand, particularly if the complainant has a disability. We have on occasion asked the investigating officer to translate reports and responses into Easyread.

Statistics indicate 100% of responses were checked by the Customer Relations Team before being sent out. The Customer Relations & Information Governance Manager and the Team are also available to the complainant and the investigator for advice on best practice during the complaint investigation but remain impartial.

The Customer Relations & Information Governance Manager will deliver training on investigating and responding to complaints on request. The Corporate Complaints Procedure is available on-line. The Adult Social Care statutory procedure is available on-line also. The Customer Relations & Information Governance Manager attends Team Meetings to provide training and advice to Teams and Senior Managers when required. The Customer Relations Team has also improved processes to ensure upcoming responses are discussed and monitored at weekly meetings. The Social Care staff are in more regular contact with the Customer Relations & Information Governance Manager and her team and are aware of their processes which has led to improved joint working for the benefit of the complainant.

Support Network

The Customer Relations & Information Governance Manager is the Vice Chair and participates in the Southern Region Complaints Managers' Group, which continues to support Customer Relations and Complaints Managers in sharing good practice, both nationally and locally. Where cases are complex the Customer Relations & Information Governance Manager often seeks advice and guidance from Legal Services and the Local Government Ombudsman's advice line.

Local Government & Social Care Ombudsman

The Local Government & Social Care Ombudsman's role is to investigate complaints about maladministration or administrative fault that lead to injustice for the complainant. In some complaints the Local Ombudsman may find evidence of administrative fault but no resultant injustice. The Local Ombudsman should not investigate complaints about policy changes where the decision has been properly made.

Between 1 April 2020 and 31 March 2021, the Local Government & Social Care Ombudsman (LG&SCO) received 5 representations from dissatisfied service users for issues relating to Adult Care & Health Services, which is 2 fewer than the previous year. Of these 5 cases, 2 cases were assessed and not investigated, 3 cases were investigated, and the Ombudsman upheld 2 cases and found no fault with the remaining case, therefore it was not upheld.

The Ombudsman did not issue any formal reports finding maladministration by the Council.

Compliments

The Customer Relations Team owns the logging of compliments for the Council as a whole. Staff are reminded and encouraged to pass on all compliments to the Customer Relations Team's generic mailbox.

In the year 2020/21, 28 compliments were received by the following Adult Social Care Teams:

Community Reablement Team - 1

Deputy's Office - 1

Enablement Team - 1

FAB Team - 1

Hospital Discharge Team - 2

Locality Team - 12

Short Term Team - 8

Wellbeing - 2

The following are some examples of compliments received:

Short Term Team

- I'd like to salute you guys for your hard work, and I hope you keep it up! Once the lockdown has eased up, I will thank you properly for everything.
- Thank you for being the only one to think not just of my mum who you were brill with but also helping me along the way. Please make sure you keep in touch and pop in now and again.

Locality Team -

- Thank you as always for your continued communication, I am encouraged by you and your colleagues who also work at the front line during these difficult times
- Thank you for amending the review you yourself conducted over the telephone. We really are extremely grateful for your help and also for the way that you have dealt with all this, and for your patience and compassion.

The Deputy's Team -

- I'm very pleased to let you know that the Deputy's Office Team has been selected as one of the winners from the nominations for the People's Choice award. Your team was selected as a winner for demonstrating values associated with the "Making a difference to our customers" in the Team Category.

Wellbeing -

- I am writing to express my thanks and gratitude for your tremendous support with my queries about the COVID vaccination jab...You were very patient and helpful during that call, and you stated that you would look in to this, and call me back, which you did at 5.45pm. That too was very helpful, and indeed very good of you at the end of a long week I am sure.

Hospital Discharge Team -

- Thanks again for your help, and your team's too. They are providing an outstanding service, especially in these difficult times.

Contact Information: How to make a complaint

Some complaints can be sorted out by discussing your problem with your Social Worker or a manager. If you want to make a complaint, you can contact the Council by phone, letter, in person or by email. Telephone the Customer Relations & Information Governance Manager on 0118 937 2905 or e-mail: Socialcare.Complaints@reading.gov.uk. If you wish to make your complaint to us in writing, our address is: The Customer Relations Team, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU. Your complaint will be recorded and if we cannot sort out the problem immediately it will be passed for further investigation and action. The Customer Relations Team can take your complaint over the telephone and explain the complaints procedure in more detail or send you a leaflet explaining how to complain. The leaflet is also available in Council buildings or via the Council's website. You can also use these contact details to tell us if you have a concern (but do not want to make a complaint) or if you want to make a compliment about a service.