

REPORT BY DIRECTOR OF ADULT SOCIAL CARE & HEALTH SERVICES

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES & EDUCATION COMMITTEE		
DATE:	19 October 2022	AGENDA ITEM:	
TITLE:	ANNUAL COMPLAINTS AND COMPLIMENTS REPORT 2021/22 FOR ADULT SOCIAL CARE		
LEAD COUNCILLOR:	COUNCILLOR ENNIS	PORTFOLIO:	ADULT SERVICES
SERVICE:	ADULT SOCIAL CARE & HEALTH	WARDS:	BOROUGHWIDE
LEAD OFFICER:	NAYANA GEORGE	TEL:	0118 937 3748
JOB TITLE:	Customer Relations & Information Governance Manager	E-MAIL:	Nayana.george@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1.1 Adult Social Care recognises that there will be occasions when complaints are made. This short report tells you how many complaints were received in 2021/22 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 2022.

1.3 During this period the service received 20 corporate complaints, which is a 17.6% increase over the 17 received in 2020/21, and 93 statutory complaints, which is a 31% increase over the 71 received in 2020/21.

1.4 The main themes for the period 2021/22 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 2021/22 is at Appendix A. This will also be made publicly available through the Council's website from 25 October 2022.

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 Service Manager, to share their concerns with a view to possibly reviewing them with a senior manager or proceed to the Local Government & Social Care 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 Service 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 service users who wish to make a complaint.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 The Customer Relations & Information Governance Service 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 2021/22.

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 Service 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	Acknowledge within 3 working days

complaints	
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/Assistant Director and the Customer Relations & Information Governance Service 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 & Information Governance Service 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.

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 Service Manager upon receipt. This is to ensure that the Customer Relations & Information Governance Service 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.

Part 1 - 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 did not receive any requests 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
2017/18	7	3	4
2018/19	9	1	8
2019/20	13	3	10
2020/21	17 (+30.8%)	2	15
2021/22	20 (+17.6%)	6	14

Outcomes for complaints investigated formally

Outcome	2021/22	% of Total	2020/21	% of Total
Upheld	5	27.8%	7	41.2%
Partially Upheld	5	27.8%	1	5.9%
Not Upheld	8	44.4%	4	23.5%
No Outcome	0	0	2	11.8%
Multiple Outcomes	0	0	3	17.6%
Total No. Sent Out	18	100%	17	100%

Timescales for those investigated

	2021/22	%	2020/21	%
Total No. Sent Out In Timescale	12	66.7%	8	47.1%
Total No. Sent Out Over Timescale	6	33.3%	9	52.9%

Spread of Complaints Received across Teams

Team	2021/22	% of Total	2020/21	% of Total
CMHT	2	10%	0	0
Commissioning	2	10%	6	35.3%
Deputy's Office	0	0	1	5.9%
FAB Team	1	5%	0	0
Finance	1	5%	0	0
Localities Team	3	15%	3	17.6%
PBST	3	15%	1	5.9%
Safeguarding	5	25%	0	0
Short-Term Team	3	15%	4	23.5%
Transformation	0	0	1	5.9%

Programme Team				
Wellbeing	0	0	1	5.9%
Total	20	100%	17	100%

Themes of Complaints Received

Theme	2021/22	% of Total	2020/21	% of Total
Communication	1	5%	0	0
Financial Issue	7	35%	5	29.4%
Health & Safety Issue	0	0	1	5.9%
Lack of Support	2	10%	0	0
Policy Issue/Procedure	4	20%	1	5.9%
Quality of Service Provided	3	15%	6	35.3%
Staff Conduct	3	15%	4	23.5%
Total	20	100%	17	100%

How Complaint was Received

Method	2021/22	% of Total	2020/21	% of Total
E-mail	8	40%	11	64.6%
Letter	2	10%	2	11.8%
Telephone	8	40%	2	11.8%
Webform	2	10%	2	11.8%
Total	20	100%	17	100%

Part 2 - 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
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%
2021/22	93	+31%	50	53.8%	43	46.2%

Outcomes of statutory complaints investigated formally

Outcome	2021/22	% of Total	2020/21	% of Total
Upheld	12	27.9%	10	26.3%
Partially Upheld	9	20.9%	2	5.3%

Not Upheld	10	23.3%	14	36.8%
No Outcome	1	2.3%	2	5.3%
Multiple Outcomes	11	25.6%	10	26.3%
Total	43	100%	38	100%

Timescales for responding to statutory complaints

	2021/22	%	2020/21	%
Total No. Sent Out in Timescale	24	55.8%	18	47.4%
Total No. Sent Out Over Timescale	19	44.2%	20	52.6%

Note: The statutory complaints above, we worked to an initial 15 working day response date extending to no more than 25 working days.

Spread of Complaints across Teams (All Complaints)

Team	2021/22	% of Total	2020/21	% of Total
Advice & Wellbeing Hub	4	4.3%	0	0
Community Mental Health	7	7.5%	5	7.0%
Commissioning	7	7.5%	5	7.0%
Community Reablement	0	0	2	2.8%
Deputy's Office	2	2.2%	3	4.2%
Finance	1	1.1%	0	0
Financial Assessments & Benefits	1	1.1%	7	9.9%
Localities	44	47.2%	14	19.7%
Long-Term Team	1	1.1%	0	0
Occupational Therapists	1	1.1%	0	0
Personal Budget Support	6	6.4%	4	5.8%
Public Health	1	1.1%	0	0
Safeguarding Adults	2	2.2%	1	1.4%
Short-Term Team	16	17.2%	29	40.8%
Wellbeing	0	0	1	1.4%
Total	93	100%	71	100%

Themes (All Complaints)

Theme	2021/22	% of Total	2020/21	% of Total
-------	---------	------------	---------	------------

Communication	19	20.4%	9	12.7%
Financial Issue	7	7.5%	23	32.4%
Health & Safety Issue	0	0	1	1.4%
Lack of Support	5	5.4%	1	1.4%
Policy Issue/Procedure	6	6.5%	0	0
Quality of Service Provided	49	52.7%	29	40.8%
Staff Conduct	7	7.5%	8	11.3%
Total	93	100%	71	100%

How Complaint was Received (All Complaints)

Method	2021/22	% of Total	2020/21	% of Total
E-mail	48	51.6%	53	74.6%
Letter	9	9.7%	11	15.5%
Telephone	24	25.8%	7	9.9%
Webform	12	12.9%	0	0
Total	93	100%	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:

Concerns raised by the family about the conduct of care company staff, not arriving on time and not providing the care needs as set out by the service users care plan - Complaint partially upheld

Learning:

Apology to the family and service user. Management of the care company provided with feedback all parties have agreed going forward, that they will ensure that the next of kin/representative is aware of the contracted start and end times of carer visits to avoid confusion. The management are further reminded of the importance of ensuring that the service user and relatives (where appropriate) are kept informed of lateness or any issues that prevent care from starting in a timely fashion.

Complaint:

Mother was discharged from the Royal Berkshire Hospital with no care in place, mother should have had an assessment before she was discharged. That mother

should have received up to 6 weeks of care when discharged from hospital. Complainant had to care for mother until care was put in place, this took 18 days and is unacceptable. - Upheld

Learning:

Apologised for the considerable distress this had caused. There were delays in providing care, partially due to a lack of care capacity in the care provider market in August but also because the tender was cancelled in error by the Advice and Wellbeing Hub staff. Reading Borough Council Commissioning Team worked with new providers to increase market capacity to meet increasing demand and to ensure care capacity. further work to be undertaken by the Team Manager of the Advice and Wellbeing Hub to improved communication between the Advice and Wellbeing Hub and Personal Budget Support Team. To ensure all staff are aware that tenders are not cancelled when a “holding care package is in place”.

Complaint:

Regarding the continuing health care (CHC) application/process for funding for father, D whilst at B House following discharge from hospital - Not Upheld.

Funded Nursing Care and Continuing Health Care are both health led and not within the remit of the local authority to apply for and, that the Service User had been financially assessed as a full contributor. Case records were updated, advice will be documented, and copy sent to families, especially when it is about funding of care.

Service Improvements - in 2021/22:

- ASC have been working closely with the Corporate Contact Centre regarding the initial screening of safeguarding concerns. Analysis of the safeguarding referrals and the conversation to full enquiry indicated that the majority of safeguarding concerns could be closed, referred for community support or diverted to the Adult Social Care front door
- As part of the ASC restructure, the directorate will have Direct Payment officers that support front line social workers, service users and families in the Direct Payment process. The Officers will ensure that all information is gathered, and Direct Payments are set up smoothly.
- All managers will be attending training in investigating and responding to complaints. In addition, the service is looking to commission training for all staff on customer care and what good customer care looks like.
- The department has now reformed the ASC Care and Quality Board. This Board will now review all elements of care quality in the service, review lessons learnt from complaints, and implement any agreed service improvements.

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 Service

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 Service 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 Service 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 Service 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 Service Manager is the Vice Chair and participates in the Southern Region Complaints Managers' Group and the National 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 Service Manager often seeks advice and guidance from Legal Services and the Local Government & Social Care Ombudsman's advice line.

Local Government & Social Care Ombudsman (LGSCO)

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 LGSCO may find evidence of administrative fault but no resultant injustice. The LGSCO should not investigate complaints about policy changes where the decision has been properly made.

Between 1 April 2021 and 31 March 2022, the Local Government & Social Care Ombudsman received 7 representations from dissatisfied service users for issues relating to Adult Care & Health Services, which is 2 more than the previous year. Of these 7 cases, 3 cases were investigated and upheld, 2 cases were referred to the Council as premature, and 2 case were assessed and not investigated.

The LGSCO 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 2021/22, 10 compliments were received by the following Adult Social Care Teams:

Community Reablement Team - 1
Hospital Discharge Team - 1
Locality Team - 6
Safeguarding - 1
Short Term Team - 1

The following are some examples of compliments received:

Community Reablement Team

- Carers were absolutely excellent, absolutely brilliant and were such a comfort whilst looking after her late husband, 2 staff were mentioned.

Hospital Discharge Team

- A huge thank you to the wonderful worker for his ongoing support and engagement with the therapy team. We really appreciate all his support and guidance, and how well he works with our team. Thank you!

Locality Teams

- Thanks for your assistance too - your email which clearly set out the position of ASC and the Team really helped. I'm very pleased to let you know that the 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.
- Thank you so much for everything you have done for me, I can't thank you enough you have been my rock through all my bad times. I appreciate everything you have done to help me and get me in the right life I deserve I wish you all the best and thank you again.
- Just wanted to alert you to some really good work done by one of your team. His client has struggled with hoarding and spent all her time in her riser recliner chair, refusing to go to bed and had not been paying her care charges. She can be quite challenging. Through fantastic relationship-based practice Mamo has convinced her to self-fund a clearance of her main living room and to accept a hospital bed to be installed. He has organised the clearance (with a lot of hard work and perseverance). He has also convinced her to start paying her care charges and a direct debit has been set up to clear the debt.

Safeguarding

- I would like to say thank you, I had immediate reassurance that my email had been received and not only did it provide me with a timeframe that I can expect someone to reply, it provided friendly invite to send a reminder if delayed. And then to include the definition of the act was refreshing. It made me think about the screening process and to double check the concern I was raising.

Short-Term Team

- Son wanted to pass on his gratitude and thanks for the kind assistance they received from a team member for all of the assistance with his late mother.

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 telephone, letter, in person or by e-mail. Telephone the Customer Relations & Information Governance Service 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, Floor 2 South Rear, 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.