

# Adult Social Care Complaints



## Annual Report 2018/19

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Published November 2019

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## 1. Introduction and context

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The “Local Authority Social Services and National Health Service Complaints (England) Regulations 2009” (the Regulations) set out the way Lambeth Council must deal with complaints about its adult social care services.

The regulations require the Council to produce this annual report, which must give information about

- The number of complaints received
- The issues highlighted
- Whether the complaints have been upheld
- The number of cases referred to the Local Government Ombudsman’s service or the Health Service Commissioner
- What actions we have taken or will be taking because of the complaints received

### What is a complaint?

A complaint is an expression of dissatisfaction about an adult social care service, whether that service is provided directly by the council or by a contractor or partner, which requires a response. There is no difference between a ‘formal’ and an ‘informal’ complaint. Both are expressions of dissatisfaction that require a response.

As most of our work in adult social care is involved with supporting people to overcome problems, our staff will often hear about a lot of things that are not going as well as our customers would like. Service users and their representatives do not have to label an issue as a complaint in order for it to be addressed in line with our policy and the regulations. It is up to the Council to ensure it can recognise when an issue is a complaint.

### What comes under the Lambeth Adult Social Care complaints process?

The adult social care complaints process can be used where these relate to adult social care, which includes:

- Assessment and care planning by assessors, Occupational Therapists and Social Workers
- Our work in commissioning and contract management of social care service providers
- Financial assessment and charging in relation to adult social care
- Safeguarding adults enquiries regarding where there are concerns about abuse or neglect of an adult with care and support needs
- The Council’s Supervisory Body function under the Deprivation of Liberty Safeguards of the Mental Capacity Act 2005

- Handling Direct Payments for social care
- Client Affairs work such as
- Management of affairs such as through Appointeeship
- Management of affairs through the Mental Capacity Act 2005 such as acting as a Deputy
- In-house social care provision such as day centres that the Council manage

### The adult social care complaints process can be used to address concerns about things like

- Quality or amount of service
- Charges for a service
- A decision
- Failure to follow correct procedure
- Delay
- Application of assessment and eligibility criteria
- Attitude or behaviour of staff
- Failure to communicate with people either reasonably clearly or in a timely manner

People who are paying a charge for home care and similar services may either seek a review of their assessed charge using the Council's Fairer Contributions Policy Review and Appeals process, or they may make a formal complaint to the Council if they are dissatisfied with any aspect of the assessment. The flexibility to use either process is in line with the requirements of the "Fairer Charging Guidance".

### What is not covered by the Adult Social Care complaints process?

There are things that the Adult Social Care complaints process cannot be used for:

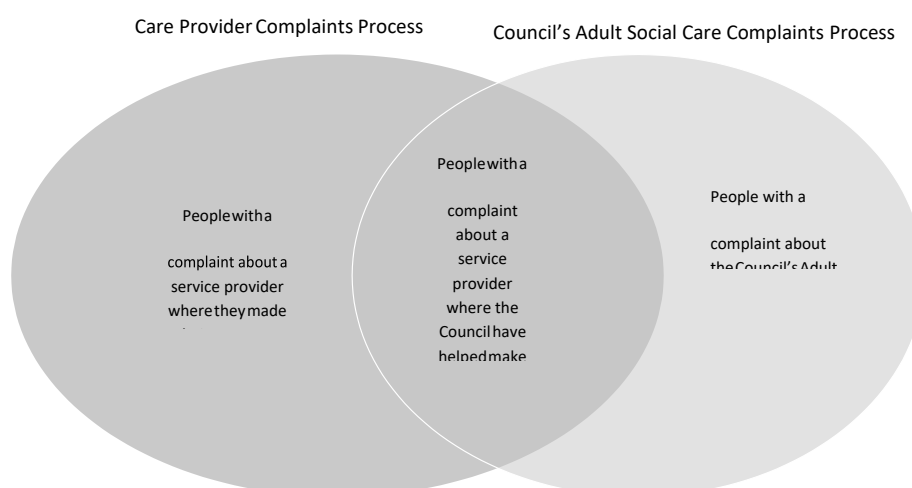
- Matters that should be dealt with through other procedures. This includes things that should be dealt with under
  - Disciplinary or grievance proceedings
  - Criminal investigations
  - Where a statutory appeals process is in place
  - Where the complainant intends to take legal proceedings in relation to the substance of the complaint
- A complaint by another organisation, unless that organisation is acting as the representative of the person as described in the section below
- Complaints which relate to contractual arrangements or other business arrangements made

with the Local Authority

- Complaints by an employee of the Local Authority about any matter relating to that employment
- Complaints that have already been dealt with in line the Regulations
- Any complaint which is being or has been investigated by the Local Government Ombudsman
- Complaints arising out of the alleged failure to comply with a request for information under the Freedom of Information Act 2000
- Complaints arising out of the alleged failure to comply with a request for information under the Data Protection Act 1998

### Complaints about social care providers

Complaints about social care services provided by independent and voluntary providers will need to be responded to by that service using its own complaints process. However, where there has been involvement from the local authority, such as having commissioned the care from that independent provider, the matter will fall within the local authority complaints process as well as that of the organisation providing the service. This allows the local authority to track the progress of the complaint and scrutinise the outcome.



*Figure 1: The relationship between the Council's complaints process and a care provider's process*

### Direct Payments

Service users and their representatives cannot raise issues under the Complaints Procedure about services that they arrange and pay for themselves through a direct payment or a personal budget.

However, issues can be dealt with under this process that relate to the Local Authority's role in Direct Payments or Personalised Budgets, for example in determining the amount of service or in the advice and assistance given in setting up and managing such payments.

## 2. How we respond to complaints

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The Regulations define two roles

- The Responsible Person: This person is responsible for ensuring compliance with the arrangements made under these Regulations, and ensuring that action is taken if necessary in the light of the outcome of a complaint. In Lambeth, this is the Director of Adult Social Care.
- The Complaints Manager: This person is responsible for managing the procedures for handling and considering complaints in accordance with the arrangements made under these Regulations. In Lambeth, this is the Head of Quality and Safeguarding Adults.

In practice, these roles are often delegated, with the Team Manager of the relevant social work team taking on the delegated Complaints Manager role and the Head of Service for that area taking on the delegated Responsible Person role.

Sometimes the complaints relate to the service provided directly by our social work teams, and others may relate to other parts of our services or to services we have arranged from another organisation such as a care home or community support service. The coordination of the response is done via our social work teams.

If the person who made the complaint is still dissatisfied after we have responded to their complaint, they have the right to appeal and the matter will be considered under a stage 2 complaint. Following this, if the person still feels dissatisfied by the response to their complaint, they can take the matter to the Local Government Ombudsman. The Ombudsman will review the situation and will reach a view as to whether the local authority has caused an injustice to the person or whether the way it has dealt with the matter amounts to maladministration. In serious cases, it may make its finding public.

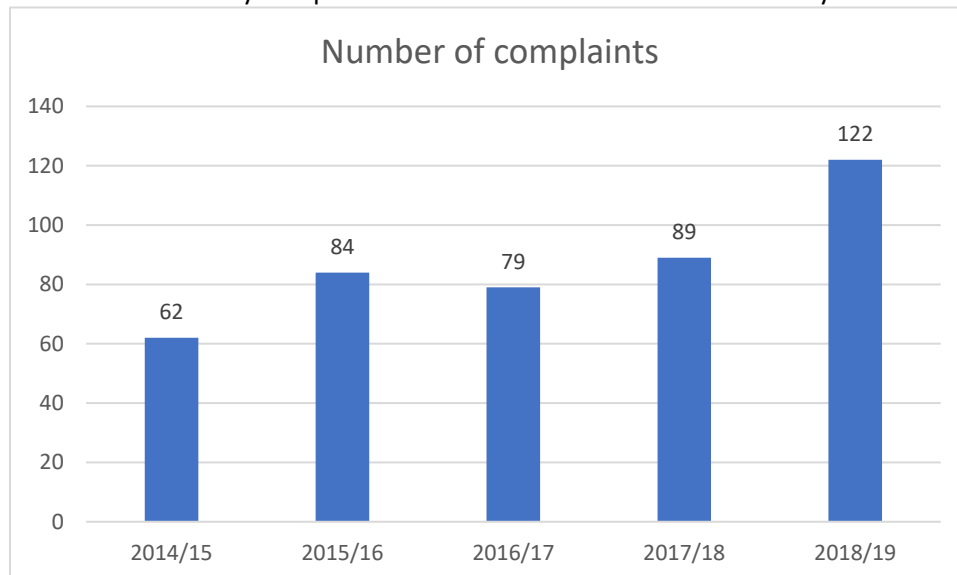
The response to all adult social care complaints is now led by the relevant social work team and Mosaic (the Adult Social Care case recording system) is used for recording adult social care complaints. This allows the integration of complaints recording with client records to support the department in taking account of the whole picture of the work being undertaken with each person.

### 3. The complaints we received

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#### How many complaints we received

Figure 2 shows how many complaints we received in each of the last five years.



*Figure 2: Complaints received by Lambeth Council Adult Social Care 2014/15 to 2018/19*

For 2018/19 a total of 122 complaints were received, 6 of which went onto the Ombudsman. 122 complaints represents 2.3 % of the total number of people supported by Adult Social Care.

The number of complaints has almost doubled since 2014/15. With an increase of 33 (31%) between 2017/18 and 2018/19. There are a number of factors that may explain this sharp increase, which include:

- Reduction in staffing levels across adult social care,
- More rigorous application of eligibility criteria meaning that people have experienced a reduction in the services they are receiving,
- Increasing demands on community teams as a result of MCA assessments, court work, which impacts on their response time to other requests.

To try to mitigate these issues, the service is going through a period of transformation, which includes redesigning our front door and emergency response services. Redesigning our community teams and duty services and closer monitoring of performance at individual, team and service levels

#### What the complaints were about

Table 1 and Table 2 shows the numbers of complaints received, broken down by the types of issues and by the types of complaint. Those shown under the heading 'Blank' are where the data was not recorded.

Table 1: Adult Social Care complaints 2018/19 broken down by Function

Issues type	Blank	Assessment and social work	Deprivation of Liberties Safeguards	Day Centres	External Provider	Financial Issues	Occupational Therapy	Safeguarding Adults	Grand Total
<b>Complaint</b>	2	83	1	2	9	12	4	9	<b>122</b>
<b>LGO enquiry</b>		5							<b>5</b>
<b>Grand Total</b>	2	88							<b>127</b>

Table 2: Adult Social Care complaints 2018/19 broken down by the types issues (within above functions)

Issue category	Blank	Communication	Delay	Eligibility for service	Financial	Other	Service Delivery or quality	Staff Conduct	Grand Total
	1	25	17	5	10	8	45	11	122

Table 3: Adult Social Care service provider complaints 2018/19 by issue

Issues type	Issue category	Other	Service Delivery or quality	Grand Total
<b>Complaint</b>		0	9	<b>9</b>
<b>LGO</b>		0	0	<b>0</b>

This data shows that the highest number of complaints related to assessment and social work (68%) which is a 7% increase on last years figures

The second highest number of complaints was about service delivery or quality (56%), which is an increase of 12% on last years figures

### How quickly we responded to complaints

The average number of days that the MOSAIC record is open was 52 days, compared with 79 days last year.

The average number of days between the complaint being received and response being sent was 42.3 days, down from 52.2 days from last year.

There are 35 blanks in the data for 'date response sent'. Of these, 26 resolved or withdrawn. complaints were not taken forward , which explains why no date was recorded.

For the remaining 9 cases, it is likely that the Manager mistakenly missed inserting the response date



on the form, meaning the report could not pull this out. This missing data means that our reporting of response times is not 100% accurate. Given the number of gaps in this data, Adult Social Care commissioned an Independent Auditor to go through the Complaints Process as a way of providing some assurance on this. The solution to this was to amend our recording system so the date insertion is a mandatory step and cases cannot be closed unless it is completed. Due to pressures on the Mosaic team and the termination of the FACE contract, the complaint work-step amendments could not be implemented before November 2018.

Given that there are only 9 (0.8%) cases where there is a missing response date, that were taken into the complaint process, we can be confident that our over all response time has improved significantly.

### Were complaints upheld?

The table below shows the status for all complaints received, including those that went to the Ombudsman. Of those with a status recorded 23% were not upheld, 30% were partially upheld and 17% upheld. This compares to last year when 16% were not upheld, 19% were upheld and 16% partially upheld. Unfortunately 31% do not have a recorded status – some of this is because an investigation is still underway.

Issues type	Issue category	Complaint status:				Grand Total
		Blanks	Not upheld	Partially upheld	Upheld	
<b>Complaint</b>	Blank			1		<b>1</b>
	Communication	11	2	9	3	<b>25</b>
	Delay	7	6	2	2	<b>17</b>
	Eligibility for service	2	2		1	<b>5</b>
	Financial	1	2	4	3	<b>10</b>
	Other	1	2	4	1	<b>8</b>
	Service Delivery or quality	12	11	14	8	<b>45</b>
	Staff Conduct	4	3	2	2	<b>11</b>
<b>Complaint Total</b>		<b>38</b>	<b>28</b>	<b>36</b>	<b>20</b>	<b>122</b>
LGO enquiry	Service Delivery or quality	1				<b>1</b>
	Assessment services	1	1		2	<b>4</b>
<b>LGO enquiry Total</b>		<b>2</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>5</b>
<b>Grand total</b>		<b>40</b>	<b>29</b>	<b>36</b>	<b>22</b>	<b>127</b>

Table 4: Status of all complaints received 2018-19

## Summary of Complaints made to the Local Government Ombudsman

In 2018/19 there were five complaints taken to the Local Government Ombudsman.

LBL Ref	LGO Ref	Summary	Outcome
UF251277	18002708	Failure to meet assessed needs and provide choice of service delivery method. Ms A's personal assistants' unpaid wages.	Upheld:
UF253332	18005108	Inadequate response to case and support planning & Safeguarding	Not upheld
UF256458	18 003 850	Failure to meet assessed needs and provide choice of service delivery method.	Upheld:
UF264370	17005393	Quality of care and support provision by council and CCG	Under investigation
UF238198	17018419	Inadequate assessment and support planning. Failure to provide choice	Upheld:

Table 5: Summary of Complaints to Local Government Ombudsman 2018-19

## 4. Making Improvements

A review of the complaints process, undertaken by the Head of Safeguarding and Quality assurance in 2017 included a consultation with the Managers newly responsible for responding to complaints. The review resulted in:

- Changes to the electronic complaints record to make this simpler
- Changes to the procedure for responding to enable faster responses to simpler issues
- Development of complaint activity reports to improve monitoring of responses

An independent audit of how Adult Social Care undertakes Complaints has recently been conducted by an Independent Auditor on 24<sup>th</sup> October 2018. The results and improvements made following this audit have included:

- Review and refresh of the complaints policy and procedures
- Changes to the Mosaic recording system to include
  - Mandatory reportable questions
  - Mandatory lessons learnt questions
  - Introduction of stage 1 and stage 2 complaints

## 5. Lessons Learnt

The lessons learnt data field was added to the complaints workstep in Mosaic in November 2018 as a freetext box, which wasn't a mandatory field. The data entered proved difficult to measure, because of lack of consistency in recording, however key themes emerged from this data which includes

- Improvement in communication required
- Provide clearer information about role of ASC
- Improve internal systems

To improve on the value and measurability of lessons learnt, we added mandatory questions to the workstep in April 2019, with the over arching themes of:

- Behaviours
- Commissioning
- Communication
- Funding/Finance
- Practice/Professionalism
- Quality, Service delivery
- Training/Development

## 6. Progress since last year

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As noted above, there have been a number of improvements made during 2018/19. The following two areas have been a key focus:

- *Timeliness of response*- there was no efficient mechanism tracking performance regarding the timeliness of responding to complaints. An online MOSAIC (where complaint are recorded) report is now sent weekly to Complaints Managers to highlight the length of time passed since the complaint was first raised.
- *Addressing practice issues* – Introduction Practice Weeks to:
  - Undertake audits of completed work across all teams
  - Identify areas of excellence and areas for improvement, to inform training and developmental requirements within the service.
  - Focused teamed for each practice week
- Complaints responses are monitored weekly and a Complaint report sent to all service areas, to improve the consistency of processing complaints.
- lessons learned themes log to be monitored by Performance Board to measure improvements

## 7. People who made use of our complaint’s services

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### Did the person or a representative make the complaint?

Issue Category	Person representing themselves	Advocate	Friend	Legal Representative	Member of Parliament	Other	Other family	Spouse, Civil Partner or similar	Grand Total
Blank		1							1
Communication	6	3				3	12	2	26
Delay	2	4		2		4	4	1	17
Eligibility for service	3						2		5
Financial						2	6		8
Other	3	1				1	3		8
Service Delivery or quality	12	3	3			5	22		45

Staff Conduct	2		1			8		11	
<b>Grand Total</b>	<b>28</b>	<b>12</b>	<b>4</b>	<b>2</b>		<b>15</b>	<b>57</b>	<b>3</b>	<b>122</b>

Table 6: Source of complaint

### Gender of the complainant

Female	Male	Indeterminate	Grand Total
56	65	1	122

Table 7: Gender of complainant

### Ethnicity of the complainant

Any Other Ethnic Groups	Asian or Asian British	Mixed Black or Black British	Not Known or Stated	White	Grand Total
2	10	48	7	55	122

Table 8: Ethnicity of complainant

### Age ranges of complainants

Age Band	Total
18-65	67
Deceased	17
Over 65	38
<b>Grand Total</b>	<b>122</b>

Table 9: Age range of complainant

### Primary need of complainants

Primary Support Reason									
Issues type	Issue category	Blank	Learning Disability	Mental Health	Physical Support	Sensory Support	Social Support	Support with Memory & Cognition	Grand Total
Complaint	blank								
	Communication	4	4		14	1	1	2	<b>26</b>
	Delay	4	4	1	8				<b>17</b>
	Eligibility for service		1		3		1		<b>5</b>
	Financial		3		6			1	<b>10</b>
	Other		2	2	4				<b>8</b>
	Service Delivery or quality	8	5	5	24	2	1		<b>45</b>
	Staff Conduct		2		8			1	<b>11</b>
<b>Complaint Total</b>		<b>16</b>	<b>21</b>	<b>8</b>	<b>67</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>122</b>

Table 10: Primary Support reason of complainant

## 8. Compliments

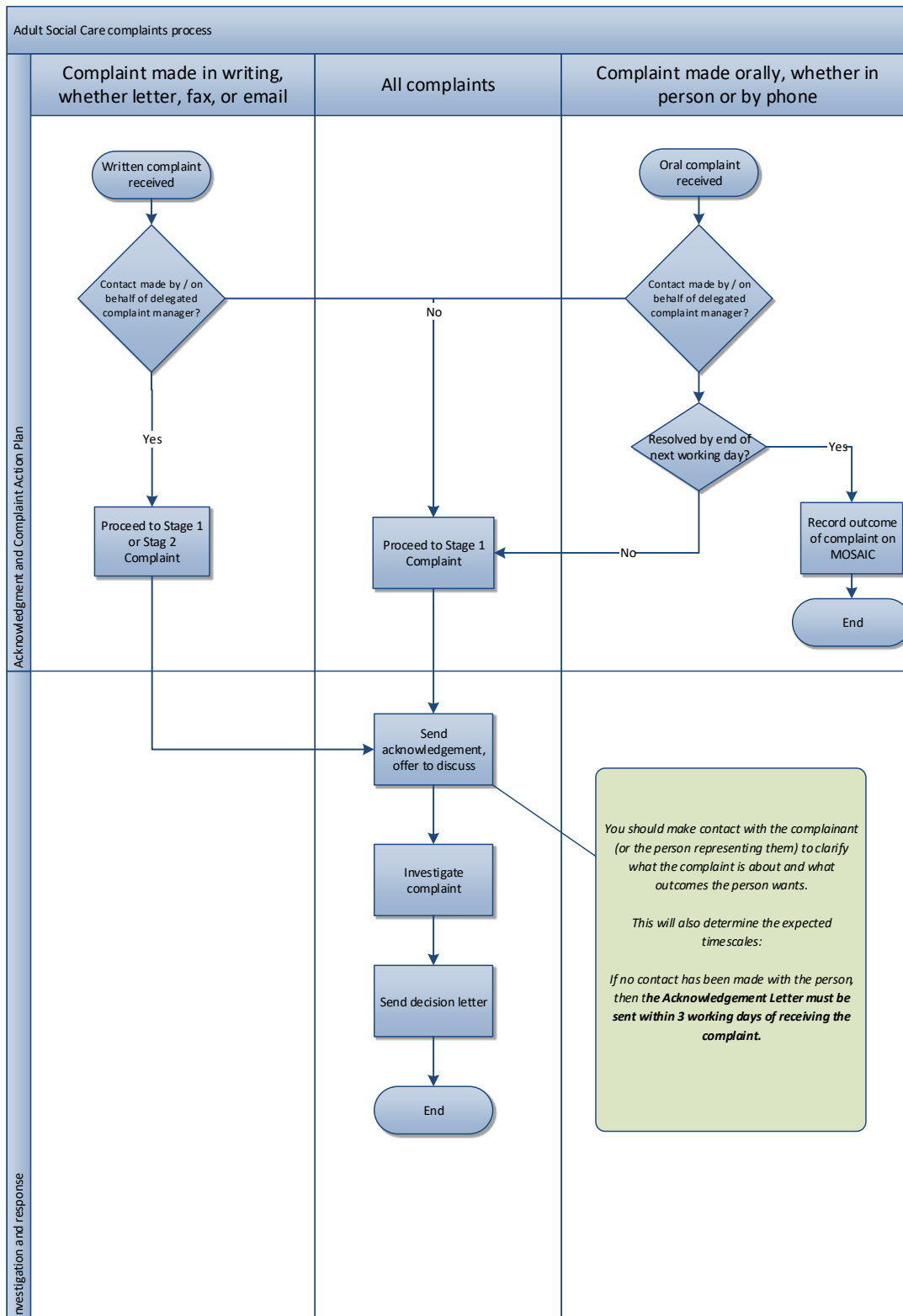
While Lambeth takes all complaints seriously, over the past year the department took a decision to start recording the compliments that were received too. This was to ensure that some of the good work that is undertaken can also be heard.

There were 29 compliments recorded during 2018/19, which is a 190% improvement on last year. Of these:

- 13 relate to Older Peoples services
- 5 relate to Integrated Disability services
- 3 related to Occupational Therapy services
- 1 related to Initial Contact Service
- 8 relate to adult services

These show how hard practitioners continue to work to provide a good service despite the extreme pressures faced by social care department.

# Appendix A – Complaint Process Flowchart



## Appendix B - Complaint q1 & q2- 2019-2020

### Complaints

Total of 6 Complaints received for q1 & q2 which is down from 68 in the previous year (3% decrease)

Issues type	Issue category	Complaint status:			Upheld	Grand Total
		Complaint not progressed	Not upheld	Partially upheld		
<b>Complaint</b>	Blank					
	Communication	9	2	4	1	16
	Delay	4	4	1	1	10
	Eligibility for service		3			3
	Financial	1	1	2	1	5
	Other	1	1	2	1	5
	Service Delivery or quality	8	3	5	3	19
	Staff Conduct	4	2	1	1	8
<b>Complaint Total</b>						
<b>Grand total</b>		<b>27</b>	16	<b>15</b>	<b>8</b>	<b>66</b>

### Did the person or a representative make the complaint

Issue Category	Person representing themselves	Advocate	Friend	Legal Rep	Member of Parliament	Other	Other family	Spouse, Civil Partner or similar	Grand Total
Blank									
Communication	3	1				4	7	1	16
Delay	1	3		2		2	2		10
Eligibility for service	3								3
Financial						1	4		5
Other	2					1	2		5
Service Delivery or quality	7		3			2	7		19
Staff Conduct	1		1				6		8
<b>Grand Total</b>	<b>17</b>	<b>4</b>	<b>4</b>	<b>2</b>		<b>10</b>	<b>28</b>	<b>1</b>	<b>66</b>

## Primary need of complainants

Primary Support Reason									
Issues type	Issue category	Blank	Learning Disability	Mental Health	Physical Support	Sensory Support	Social Support	Support with Memory & Cognition	Grand Total
Complaint	blank								
	Communication		3		11	1		1	16
	Delay		6	1	3				10
	Eligibility for service				3				3
	Financial		1		4				5
	Other		1	1	3				5
	Service Delivery or quality		3	2	13	1			19
	Staff Conduct		2		5			1	8
<b>Complaint Total</b>			<b>16</b>	<b>4</b>	<b>42</b>	<b>2</b>		<b>2</b>	<b>66</b>