



Adult Social Care Complaints

Annual Report 2020/21

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Executive Summary

Key Complaint Performance and Findings 20/21

- 123 Complaints, 3 LGO Investigations, 29 Compliments
- 2.4% of total number of people supported by Adult Social Care complained
- 65% of complaints responded to within 30 days up from 41% previous year
- 93% of complaints responded to within 12 weeks up from 70% previous year
- 24% of complaints upheld compared to 28% previous year (19/20)
- Key complaint themes focus on:
 - Service delivery or quality
 - Financial assessment and charging
 - Payments and invoices

Introduction

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

Under this statutory regulations, Lambeth Council is required to produce an annual report examining how it has dealt with its adult social care complaints, including the numbers received, issues highlighted, how many were upheld, and actions taken because of the complaints received.

This is the annual report of Lambeth Adults Social Care complaints and compliments, covering the period 1 April 2020 to 31 March 2021.

Lambeth Adult Social Care uses a two-stage complaint procedure to ensure that complaints are handled effectively and in line with regulations. If a complainant is dissatisfied with the response to their Stage 1 complaint, they have the right to appeal, and the matter will be considered under a stage 2 complaint. Should the complainant be dissatisfied with the response to the Stage 2 complaint, they can take the matter to the Local Government Ombudsman (LGO). Although complainants can refer their complaints to the LGO from the outset, the LGO will not normally investigate until the Council has conducted its own investigation and provided a response.

From 1 April 2020 to 31 March 2021 Adult Social Care received 123 Complaints, 3 LGO complaints and 29 Compliments.

5218 people received a service from Lambeth Adult Social Care in 2020/21. The total number of complaints received represents 2.4% of the total number of people supported by Adult Social Care.

The timeliness of response to complaints has improved significantly. Though there are no timeframes set by the regulations, the LGO suggests a reasonable response time of 12 weeks

and locally, we have set a suggested target of 30 days. 65% of our complaints were responded to within our local timeframe of up to 30 days. This is an improvement from last year where only 41% of complaints were responded to within this timeframe. 93% of our complaints were responded to within the LGO suggested timeframe of 12 weeks, an improvement from 70% in 2019/20.

3 LGO complaints were received this year compared to 6 received last year.

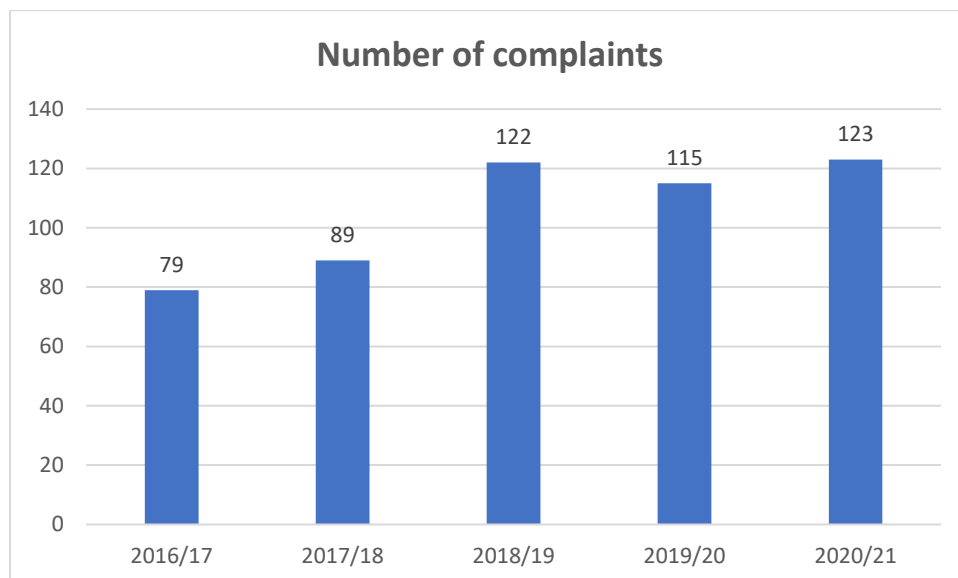
Compared to last year, we have seen a decrease in the number of complaints being upheld. Including LGO complaints, 24% of complaints were upheld in 2020/21 compared to 28% in 2019/2020.

As in previous years, there remains a key complaint theme around social work and assessment particularly linked with service delivery or quality. Another common issue is financial assessment and charging,

Complaints received and investigated

A total of 123 complaints were received and investigated under the Adult Social Care complaints procedure from April 2020 to March 2021. This is a slight increase from the 115 complaints investigated last year and represents 2.4% of the total number of people supported by Adult Social Care. The graph below shows the total number of complaints received by Adult Social Care over the last 5 years.

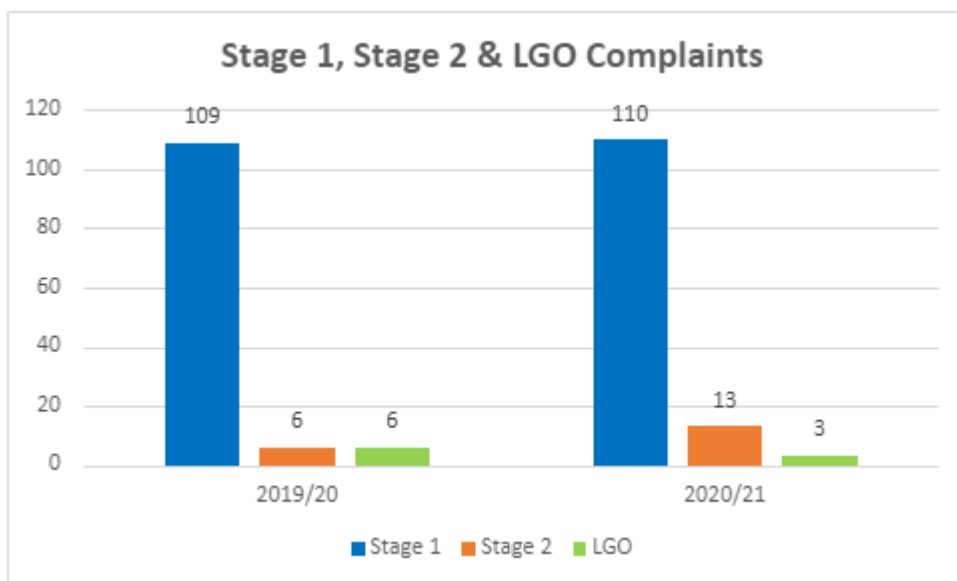
Whilst the number of complaints received have increased in the reporting year, this is typical, benchmarked against one of the South East London boroughs, (Southwark 136 complaints of different types) We will undertake further benchmarking to measure performance, as other authorities publish their yearly reports



There are factors that may explain the increase in complaints in the reporting year in addition to the pressures on Adult Social Care presented by Covid 19. These include:

- An increase in the total number of contact referrals and safeguarding concerns received in the year 2020/21 compared to 2019/20. Due to the impact of Covid 19, staff were under significant pressure to provide a vast number of services in a timely manner despite shortage in our staffing resource. There were some delays in providing non urgent care due to the increased number of contact referrals received and incoming requests for support hence some service users were unhappy with the service provided by Adult Social Care. An increase in the number of safeguarding concerns received also meant that staff needed to allocate time to ensure service users were safeguarded and had protection plans in place impacting on the speed of delivering other non-urgent care.
 - There were 15377 referrals received in 2019/20, compared to 17900 referrals received in 2020/21. This is a 16.4% increase in contact referrals.
 - There were 1881 safeguarding concerns received in 2019/20, compared to 2121 received in 2020/21. This is a 12.8% increase.

The total number of 123 complaints received and investigated consists of 110 Stage 1 complaints and 13 Stage 2 complaints, indicating a high satisfactory investigation and response to our stage 1 complaints. The graph below shows complaints received in Adult Social Care and from the LGO in 2019/20 and 2020/21.



There were 3 enquiries received from the LGO in the reporting year. 1 of which is still under investigation. This is a decrease from the 6 enquiries received from the LGO in the year 2019/20. The reduction in volumes may be in part a result of Covid 19 where LGO casework was placed on hold for a period of time.

What the complaints were about

The table below shows a significant number of complaints received were in relation to assessments and social work (63%) which despite the high number (80 complaints), is a

decrease from last year's figure of 71%. These numbers are expected as this covers a broad range of issues relating to eligibility of service, service delivery or quality, communication, and timeliness of provision.

Complaints relating to financial charging were the second highest reason for complaints which relate to matters such as clarity about chargeable services, financial assessment outcomes and inconsistencies in our billing and finance system.

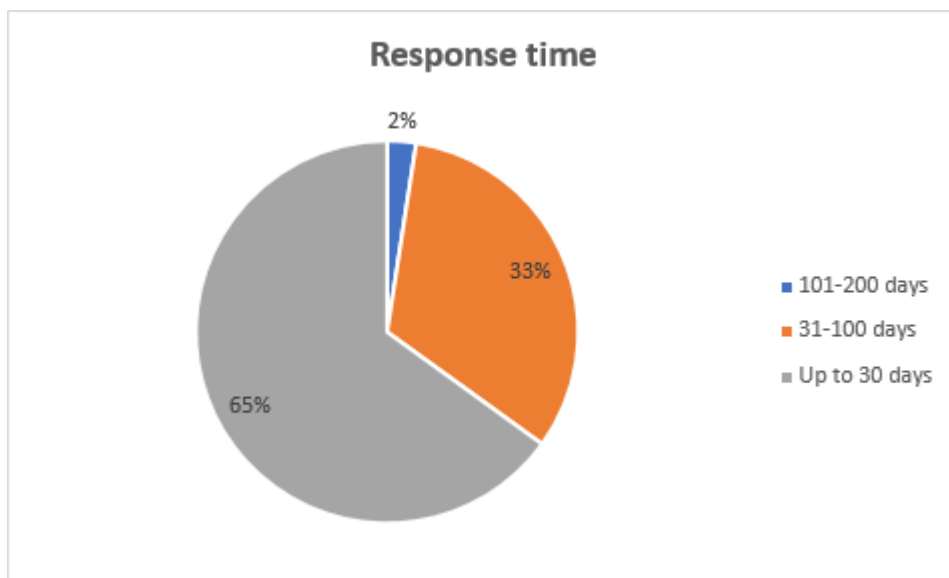
Function complaint relates to	Issue Category	Stage 1 Complaint	Stage 2 Complaint	LGO	Grand Total
Assessment and social work	Communication	8	2		10
	Delay	4			4
	Eligibility for service	15	1		16
	Financial	4			4
	Other	5	1		6
	Service delivery or quality	33	3	1	37
	Staff conduct	2	1		3
	Total	71	8	1	80
Day Centre	Communication	1			1
	Service delivery or quality	1			1
	Total	2			2
Deprivation of Liberty Safeguards	Communication	2			2
	Staff Conduct	1			1
	Total	2	1		3
External Provider	Communication	1			1
	Other	2			2
	Service delivery or quality	5	1	2	8
	Staff conduct	1			1
	Total	9	1	2	12
Financial Issues	Communication				
	Eligibility for Service	1	1		2

	Financial	13	2		15
	Other	1			1
	Service delivery or quality	2			2
	Total	17	3		20
Occupational Therapy	Communication	1			1
	Service delivery or quality	2			2
	Total	3			3
Safeguarding Adults	Communication	1			1
	Other	1			1
	Service delivery or quality	4			4
	Total	6			6

Table 1: Adult Social Care complaints 2020/21 broken down by the issue category within above functions complaints relate to.

Timeliness in responding to the complaints

Under statutory regulations there is no set timeframe for complaint responses. However, the LGO suggests a reasonable response time of 12 weeks and locally, we have set a suggested target of 30 days.



65% of our complaints were responded to within our local timeframe of up to 30 days. This is an improvement from last year where only 41% of complaints were responded to within this

timeframe. 93% of our complaints were responded to within the LGO suggested timeframe of 12 weeks, an improvement from 70% in 2019/20.

Delays in responding to complaints on time were as a result of issues such as:

- waiting for a response from other organisations or other departments in the council (e.g Finance and Housing) where complaint involved a number of partners.
- Difficulties in engaging with complainant to clarify further details of the complaint.
- Delay in finalising and sending outcomes and response.

Adult Social Care teams continue to work very well together, aiming to ensure that timescales are met and high-quality responses are provided for service users who have made complaints. Our weekly performance tracker now includes performance data on open complaints. This is shared with all managers to help improve performance.

The average number of days between the complaint being received and response being sent was 26.4days, down from 57 days in 2019/20.

The average number of days that the MOSAIC record was open was 39.6 days down from 58 days in 2019/20.

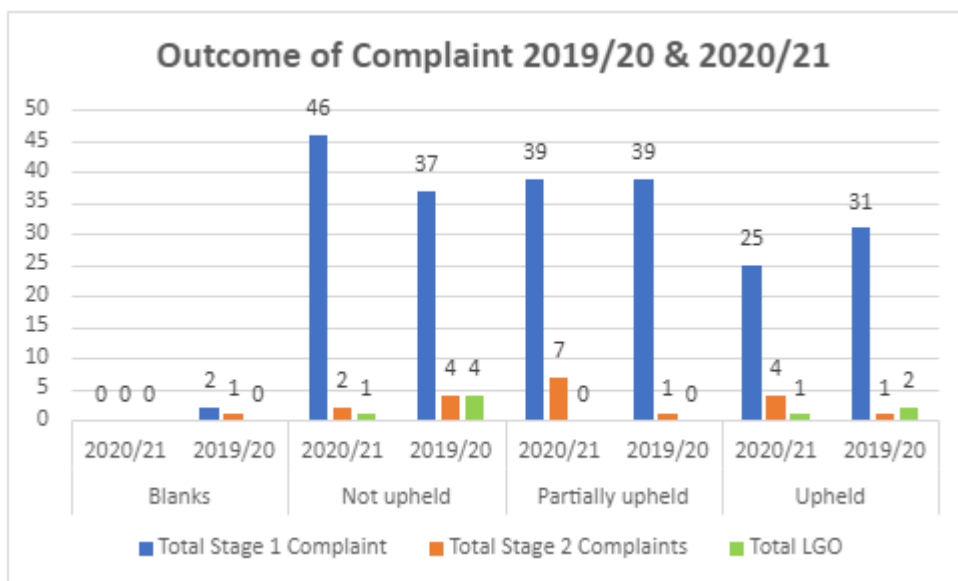
Outcome of the complaints

The table below shows the status for all complaints received and investigated, including those that went to the LGO.

	Issue category	Not upheld	Partially upheld	Upheld
Complaint Stage 1	Communication	5	5	4
	Delay	2	2	
	Eligibility for service	7	5	4
	Financial	9	4	4
	Other	7	2	
	Service delivery or quality	14	20	13
	Staff conduct	2	1	
Complaint Stage 2	Communication			2
	Eligibility for service	2		
	Financial		2	
	Other		1	
	Service delivery and quality		2	2
	Staff conduct		2	
LGO Enquiry		1		1
Grand total		49	46	30

Table 2: Outcome of all complaints received and investigated in 2020/21

In 2020/21, 24% of complaints were upheld, a decrease from 28% in 2019/20. 39% of complaints were not upheld in 2020/21, also a decrease from 36% the previous year. More complaints (39%) were partially upheld in 2020/21 compared to 33% in 2019/20. The chart below shows the breakdown of the outcome in relation to Stage 1, Stage 2 and LGO complaints.



Summary of complaints made to the Local Government Ombudsman

LBL Ref	LGO Ref	Summary	Outcome
UF267217	19016698	Complaint about care home, in particular issues relating to the care home's registration, failure to contribute to the cost of necessary repairs and alleged breaches of planning control.	Not upheld
UF331877	19012556	Complaint about a failure to arrange a translator for an assessment, as the client had indicated she preferred her daughter to translate. This may have led to an inaccurate assessment being carried out, and insufficient care being provided.	Upheld
UFN2252965	19014602	Complaint regarding the standard of domiciliary care received from two care agencies providing services on behalf of the Council.	Complaint still under investigation

Table 3: Summary of complaints to the LGO 2020/21

Learning from complaints

Learning from complaints is an important aspect of the complaints process. Below are some examples of complaints where lessons have been learnt.

1. Mrs P's daughter made a complaint regarding lack of communication about changes to care package following an assessment and also failure to involve other professionals in the assessment in order to capture Mrs P's needs. The complaint was upheld, the case allocated to a social worker to review care package and to involve other professional where necessary. A new care package was put in place for Mrs P. Mrs P and family were happy with the outcome of the review with the social worker's improved communication to the family ensuring updates regarding the review and care package.

An email was received from daughter once the complaint was concluded which includes the script below... *"Just to confirm that I'm happy for the complaint to be closed as the three areas of concern ...have all been satisfactorily resolved. I would like to pass on my thanks to social worker for the hard work and time that she put into my mum's case - her regular communication and dedication was much appreciated. We were grateful that she listened to the family and brought in the specialists (OT etc.) who were able to assess mum's needs and support our concerns..."*

Lessons learnt:

- The importance of communication with service users and families.
 - Feeding back the outcome of an assessment to the service users and their families and informing them of any changes to the service they are receiving.
 - Incorporating feedback from other professionals such as OT, physiotherapist, GP in assessments to inform support planning.
2. Ms E made a complaint in relation to the outcome of her father's assessment and delays in providing support. Her father had been assessed for extra care sheltered accommodation however this had not been followed through and Ms E felt her father was at risk in the community. Ms E had declined any further support until her father was provided an extra care sheltered accommodation. She provided care as a carer. She also disputed the social worker's conclusion that her father had mental capacity to make decisions about his care arrangements insisting her father has dementia and she needed to make decisions for him.
The complaint was partially upheld as there had been a significant delay in following through with the provision of extra care sheltered accommodation. The social worker had not completed a support plan in time to request the necessary funding agreement. The social worker was advised to complete a mental capacity assessment to help Ms E's father make a decision about his care arrangements.

Lessons learnt:

- To ensure that recommendations made following reviews and assessments are followed through in a timely manner so that service users' needs are appropriately met.
- To ensure that in situations where a service user has a cognitive impairment and especially where mental capacity is challenged a mental capacity assessment is completed to ensure appropriate support is provided with any decision making.

Key learning themes

Lesson learnt theme	Actions taken / to be taken
Clarity about chargeable services	<ul style="list-style-type: none"> • A financial assessment letter has been formulated and circulated to staff to share with service users and family informing them of chargeable service and financial assessments. • A section has been added to our authorisation form on Mosaic prompting staff to have a conversation with the service user about financial assessments.
Clarity about what ASC can offer to manage expectation	<ul style="list-style-type: none"> • Lambeth website updated to provide information about what Adult Social Care offers.
Efficiency and timeliness in service provision	<ul style="list-style-type: none"> • Redesign of Adult Social Care 'front door' to manage demand and prioritisation of new cases. • Centralised duty to prioritise known case work and outcomes. • Timeliness of case allocation.
Importance of mental capacity assessments and best interest decisions	<ul style="list-style-type: none"> • Mental capacity assessment and best interest decision form on Mosaic has been updated and training underway.
Improve communication	<ul style="list-style-type: none"> • Staff encouraged to share outcomes and information with service users and family.
Improvement to billing and finance system	<ul style="list-style-type: none"> • Lambeth website has been updated with a section on paying for care where information on charging, benefits and how to make payments to Adult Social Care can be found. • Operational Debt Forum meeting held monthly to look at financial charging pathways, billing systems and case management. • Top up guidance written and shared with managers and staff.

	<ul style="list-style-type: none"> • Briefing session in manager’s meeting on charging process and policy.
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Table 4: Lessons learnt and actions

Provider complaints – made directly to the provider

Lambeth commissions services from a range of providers, including registered providers such as the 39 care homes in Lambeth, and the 42 domiciliary care providers on our approved provider list (APL), plus 16 additional specialist domiciliary care providers.

In total, Lambeth commissions approximately 4028 packages or services. Whilst some services are commissioned on block contracts, many placements are individually spot-purchased arrangements. Where Lambeth has a contract with a provider, they are required to have policies and procedures that cover the recording and resolution of complaints.

The regulator, the Care Quality Commission (CQC) also requires that registered services make sure that people can make a complaint about their care and treatment. To meet their standards providers must have an effective and accessible system for identifying, receiving, handling and responding to complaints from people using the service, people acting on their behalf or other stakeholders. All complaints must be investigated thoroughly, and any necessary action taken where failures have been identified.

Most complaints about commissioned services are made to, and resolved by, the provider without involvement from Adults and Health Department.

Some complaints concern significant or recurring incidents which are dealt with through Lambeth’s routine quality and safety monitoring and provider concern process. These incidents are usually concerns relating to quality and safety. Key provider concerns are reported to the Lambeth’s Quality Assurance Board. Issues or incidents which put the safety or wellbeing of one or more service user at risk are reported by providers and resolved through Lambeth’s safeguarding processes.

Examples of complaints

Commissioners have collected information about the complaints received by providers and their resolutions over the 2020/21 financial year. It appears that service users, their carers and family members were able to use provider complaints processes successfully to resolve issues and improve service delivery. Reviewing a non-exhaustive selection of complaints submitted by providers last year, they broadly can be grouped into four themes:

- Complaints about care delivery
- Complaints about COVID 19-related issues
- Complaints about communication
- Complaints about anti-social behaviour/noise

Please see typical examples of complaints below:

Complaint Theme	Complaint	Resolution
Care delivery	Service user rang to report that her usual carer had not turned up.	<ul style="list-style-type: none"> • The Provider’s care co-ordinator checked in with the carer - carer was not aware of being on the rota but agreed to visit to the service user straight away • It was found that the co-ordinator had timetabled the carer for the visit but failed to confirm with carer. • The co-ordinator was reminded to always check with carers when organising rotas.
	Family member complained that the carers not cleaning up after themselves, clothes being put on incorrectly and poor time keeping	<ul style="list-style-type: none"> • The complaint was upheld. • Communication was sent to the family to inform them of the outcomes of each complaint raised that included information on the organisation’s timing policy. • All the carers involved in this package of care were given directions to improve performance
Covid-related issues	Visits during Covid pandemic – dissatisfaction from family that visits were restricted during the Covid pandemic.	<ul style="list-style-type: none"> • The service offered window and pod visits, as well as bedside visits when the person was at the end of their life. • The home purchased additional iPads and operated a video call schedule for families to book video calls with their loved ones. • The Provider ensured frequent emails and Microsoft Teams meetings with family members to keep them updated as Covid guidance and regulations changed and to let them know what the home was doing and planning.
Communication	A family member complained that staff brought out the emergency milk and bread from the service users’ freezer to use without informing him first so	<ul style="list-style-type: none"> • Extra Care manager (ECM) ensured that staff did not to use the emergency food items in the freezer without informing the family member first. • ECM invited the family member to a meeting. It was agreed that a label/notice should be placed on the food with instructions, that there would be weekly emails with the family member to provide

	that he could replenish the items used.	him with a list of food items that were running low, and for the family member to inform the Provider when he was bringing in shopping.
Anti-social behaviour/noise	Service user complained about the loud banging noise from the flat above	<ul style="list-style-type: none"> • Staff informed A that they will investigate and try to resolve the issue. • Staff visited the B's flat and found that the noise was coming from B weightlifting and dropping the weight directly on the floor. • B was given a verbal warning and informed that noise and disturbance is not permitted as per his tenancy agreement. • Service user A complained once more about noise and B was given a warning letter. The noise has not occurred again.

Making improvements

We continue to monitor the level of complaints closely and they remain a standing agenda on our monthly performance board meeting, to ensure that there is clear dialogue with the Director about long standing and more complex complaints. Complaints are discussed as key performance indicators at the Performance Board and are included as target indicators in management appraisals.

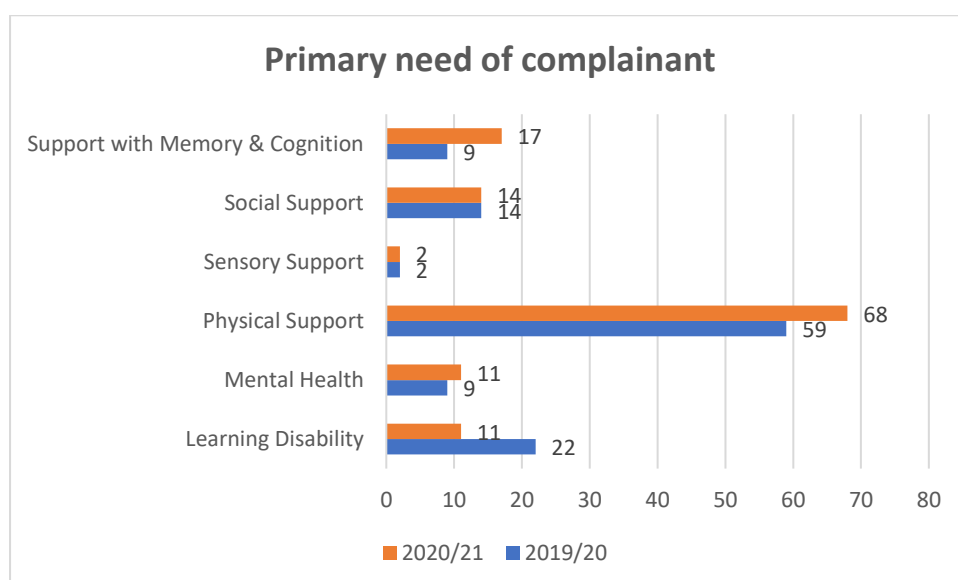
We have set timeframes for Mosaic complaints work steps, and a weekly performance report is run and distributed to all management for early identification of complaints that are nearing our locally set timeframe.

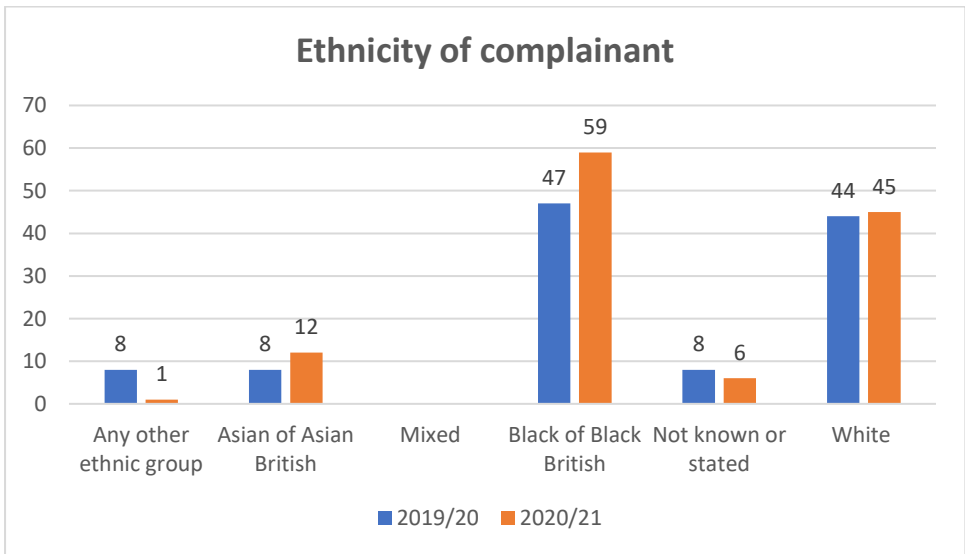
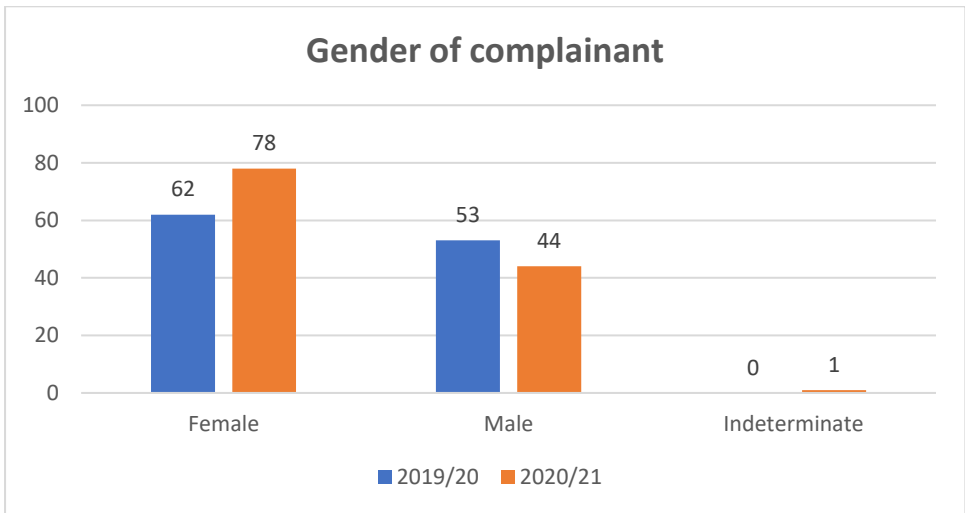
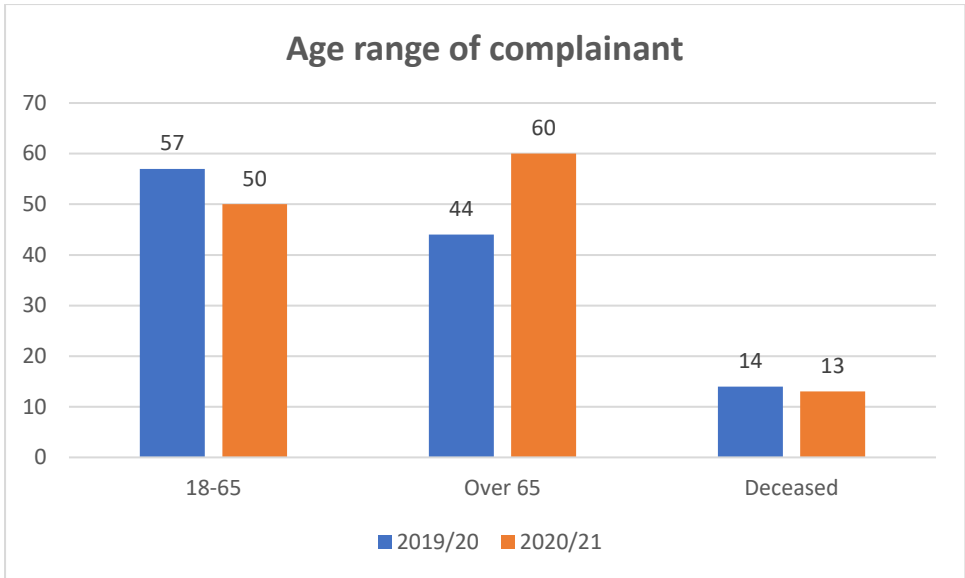
A complaints lead has been appointed to work towards improving practice around managing complaints and improving performance. The role also involves implementing learning from complaints.

People who make use of our complaints process

	Person representing themselves	Advocate	Friend	Legal representative	Lambeth Cllr/MP	Other	Other family	Spouse, civil partner or similar
Communication	1				1		14	
Delay		1				1	2	
Eligibility for service	4	2		1		2	9	
Financial	2	1		3	1		12	
Other	3	1				2	4	
Service delivery or quality		3		9	3	7	28	1
Staff conduct					1	1	3	
Grand total	10	8		13	6	13	72	1

Table 5: source of complaint





Compliments

There were 29 compliments recorded in the reporting year compared to 45 compliments recorded during 2019/20. The department has taken the decision to start recording the compliments that were received in addition to complaints. This was to ensure that some of the good work that is undertaken can also be heard. Our complaint work step on Mosaic captures both complaints and compliments however practitioners are still getting used to the idea of capturing compliments in the work step hence the reduced numbers of compliments received. We are working on ways to improve the workflow on Mosaic by having separate work steps for complaints and compliments. This will prompt and encourage practitioners to capture and share compliments received.

Below are some examples of the compliments we received:

"May I thank you again from my mother and family, for the communication and care, you and your team have shown over the past years. I have spoken to you in the past and as the first point of Council contact, may I say how much your tone, manner, patience and friendly yet professional approach has really helped us, in what is clearly a stressful time. You have answered questions and been empathetic in your responses. Your training and obvious personality radiate through your calls. May you continue to represent London's Councils in such a positive manner; supporting other families in their challenging times..."

"Thank you so much for forwarding my email to N. N has been such a Godsend. She has tirelessly supported my mother and I, working really hard to find resolution for our concerns. We are extremely grateful to have her on our side."

"Thank you so much for all the information you sent me recently and also arranging for a Carers payment to be made to me. It means such a lot and the extra help Mum is getting with lunchtime cover is wonderful."

"I would like it to be known that I am very happy for B, for having a caring and excellent Social Worker Ms Y, who understand B's situation and communicate with her in a sympathetic and professional way. I am also pleased with the review and the way she dealt with the situation when she contacted B's Solicitors. I will inform all B's contact including her Solicitors regarding her new address as soon as I am told. Thank You."

Appendix A: 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 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
- Clients Affairs work such as benefit support/advice
- Management of affairs such as through Appointeeship
- Management of affairs through the Mental Capacity Act 2005 such as a Deputy
- In-house social care provision such as day centres that the council manage

The Adult Social Care process can be used to address 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 oversee the process of managing complaints and scrutinise the outcomes.

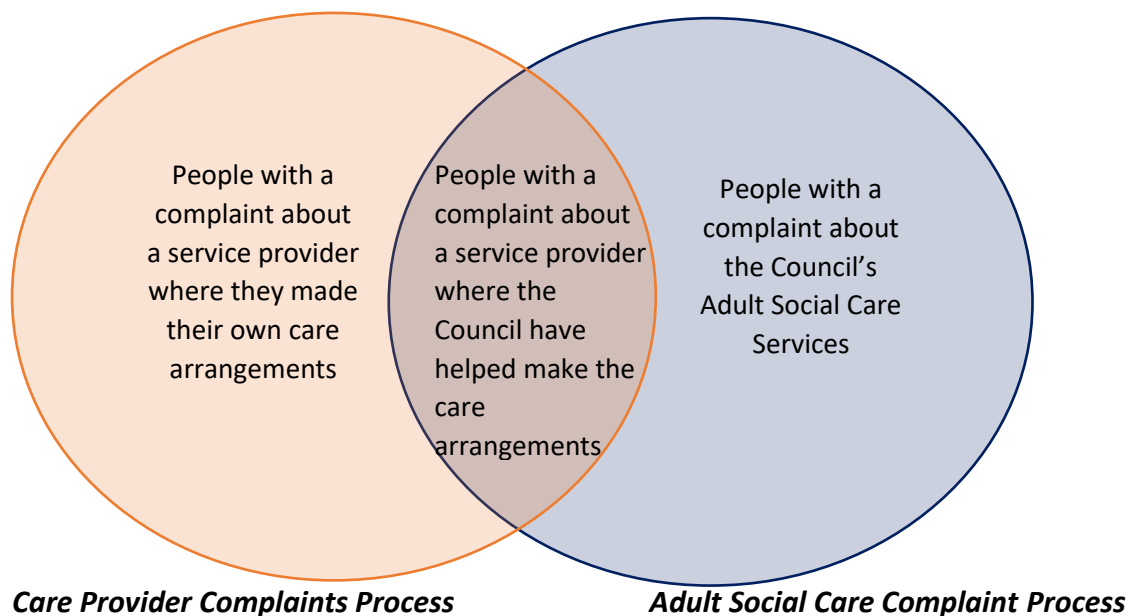


Figure 1: The relationship between the Council's complaints process and a care provider's process

Complaints about 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.

Appendix B: How we respond to complaints

The Regulations define two key 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 outcomes of a complaint. In Lambeth, this is the Executive 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 Deputy Director for Adult Social Care.

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. This is monitored at the monthly ASC performance board.

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.

Appendix C: Complaint process flowchart

