

## **CORPORATE AND COMMUNITIES OVERVIEW AND SCRUTINY PANEL 21 SEPTEMBER 2022**

### **PERFORMANCE MONITORING OF COMMENTS, COMPLIMENTS AND COMPLAINTS**

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#### **Summary**

1. The Corporate and Communities Overview and Scrutiny Panel has requested an update on the performance of Stage 2 Children's Social Care complaints completed inside 65 days, Stage 2 Corporate complaints in 25 days, as well as compliments received.
2. The Cabinet Member with Responsibility for Corporate Services and Communication and the Complaints Manager have been invited to the meeting.

#### **Background**

3. The Panel has previously received detailed reports in September 2019, March 2021 and November 2021 setting out the 3 different representation procedures that Worcestershire County Council (the Council) follows for Children's Social Care, Adult Social Care and Corporate (which includes all other Council services). In addition to the 3 procedures, the Council is also subject to the complaints process of the Local Government & Social Care Ombudsman (LGSCO) service.

#### **Annual Reports for Adult Social Care, Children's Social Care and Corporate Representations**

4. The 2021/22 Annual Reports for Adult Social Care representations, Children's Social Care representations and corporate representations are available on the Council's website:
  - [Link to Adult Social Care Statutory Representations and Complaints Procedure Reports](#)
  - [Link to Children's Social Care Statutory Representations Procedure - Annual Report 2021-2022](#)
  - [Link to Corporate Representations Procedure - Annual Report 2021-2022](#)
5. The reports cover the period 1 April 2021 to 31 March 2022 and set out the number of compliments, comments and complaints received in the year, broken down by service area; report on outcomes and timescales; and set out learning and improvement in the services in response to the complaints received throughout the year.
6. Finally, they give a flavour of some of the compliments received over the 12-month period and examples are given at Appendix 2. The two social care reports

are a statutory requirement, the corporate report is done by choice to give information to the public.

## Comments

7. Fewer comments are received than complaints, but these can cover the wide range of services that the Council provide from major infrastructure projects, COVID-19 policies and advice and household recycling centres.

8. Comments are passed to the relevant directorates to respond to as appropriate.

## Local Government and Social Care Ombudsman (LGSCO) Annual Review Letter for 2021/22

9. Each year every local authority receives a letter from the LGSCO which summarises complaints upheld, compliance with the Ombudsman's recommendations and how many cases the local authority had remedied before consideration by the Ombudsman. The LGSCO accepts that their published figures do not match the data collected by local authorities. The LGSCO does not have the capacity to provide further information about the data supplied, therefore within the Council we rely on the data collected by the Consumer Relations Unit. The LGSCO Annual Review Letter for 2021/22 was published on 27 July 2022 and a copy is attached at Appendix 1.

10. 42 complaints were submitted to the LGSCO in 2021-22, This represents 4.8% of the total number, (867 complaints) submitted to the Council in 2021-22. These complaints related to Worcestershire Children First (WCF) Social Care (12 complaints, 5.6% of the 213 complaints made), Adult Social Care (14 complaints, 5.6% of the 247 complaints made), WCF Special Educational Needs and Disabilities (SEND) (5), Economy and Infrastructure (10) and Commercial and Change (1) which equate to 3.9% of the 407 corporate complaints made.

11. There were 36 complaints determined by the LGSCO in the 2021-22 year. They covered WCF Social Care (12), Adult Social Care (10), Commercial and Change (1), WCF SEND (5) and Economy and Infrastructure (8).

12. Of the 14 determinations from the LGSCO on Corporate matters, 3 were closed after initial investigation as outside jurisdiction, 6 were closed after initial investigation with no further action and 5 were upheld with maladministration and injustice. In terms of payments because of findings, Economy and Infrastructure paid a complainant £150 and WCF SEND paid a total of £20,427.28 to 4 complainants.

13. In terms of the 10 determinations from the LGSCO relating to Adult Social Care, 3 were upheld as maladministration with injustice, 1 was upheld with no further action, 3 were not upheld and 3 were closed after initial inquiries with no further action. In terms of payments because of findings, the People Directorate paid a total of £400 to 2 complainants.

14. Of the 12 Children's Social Care complaints determined by LGSCO, 5 were closed after initial inquiries: out of jurisdiction, 3 were closed after initial inquiries: no

further action, 2 were upheld maladministration and injustice and 2 were not upheld. In terms of payments because of findings, 2 complainants were paid a total of £600.

15. The Annual Review letter sets out that 63% of complaints about the Council investigated by the Ombudsman were upheld, compared to an average of 73% in similar organisations. This was based on 19 investigations. This is an improvement on 2020/21 when 89% of the 9 investigations conducted by the Ombudsman were upheld, as more complaints were investigated but the percentage upheld has dropped. Compliance with the Ombudsman's recommendations remains the same as the previous year at 100% and this is based on 12 outcomes for the 2021/22 year compared to only 10 the year before. Finally, in 17% of upheld cases, the Council had provided a satisfactory remedy before the complaint reached the Ombudsman. This is compared to an average of 8% in similar organisations and is based on 12 upheld decisions. This shows improvement on the previous year when our percentage was 0 and based on only 9 cases.

16. The Ombudsman does voice his concern at the length of time the Council has taken to respond to some inquiries and to carry out agreed recommendations and urges the Council to improve its performance in this respect. The Ombudsman also expresses his view that "complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic..." and urges the Council to consider how the organisation prioritises complaints, particularly in terms of capacity and visibility".

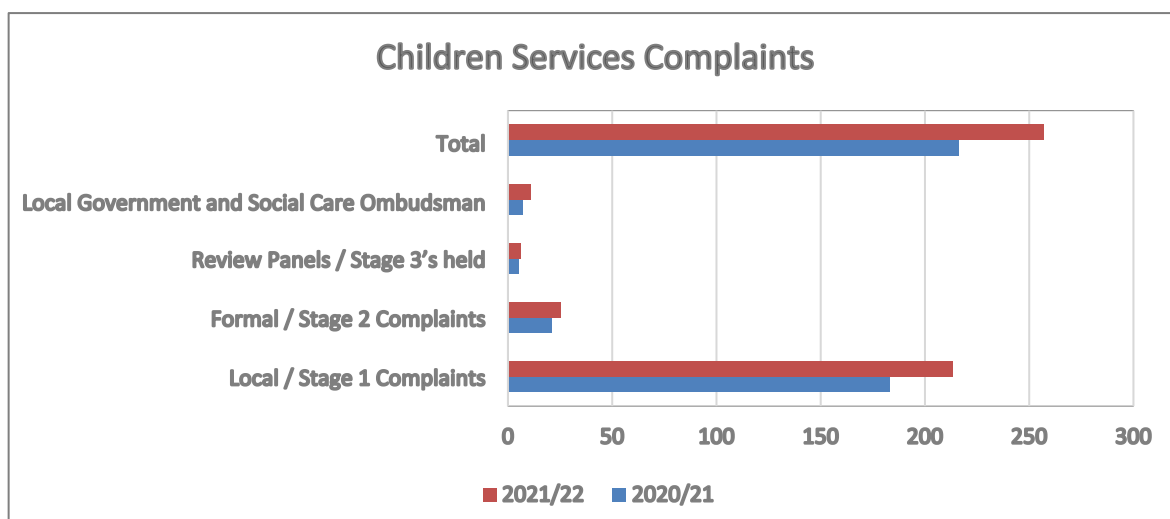
## Performance

17. Please note that the performance figures provided are for the outcomes and response timescales for the complaints that were resolved during 2021/22. These figures do not correlate directly to the number of complaints received during 2021/22.

## Children Social Care Complaints

18. Number of Complaints: Those complaints that go through all 3 stages of the procedure are only counted as one complaint in these categories, although they may cover more than one service.

Children Services Complaints Received	2020/21	2021/22
Local / Stage 1 Complaints	183	213
Formal / Stage 2 Complaints	21	25
Review Panels / Stage 3's held	5	6
Local Government and Social Care Ombudsman	7	12
<b>Total</b>	<b>216</b>	<b>256</b>

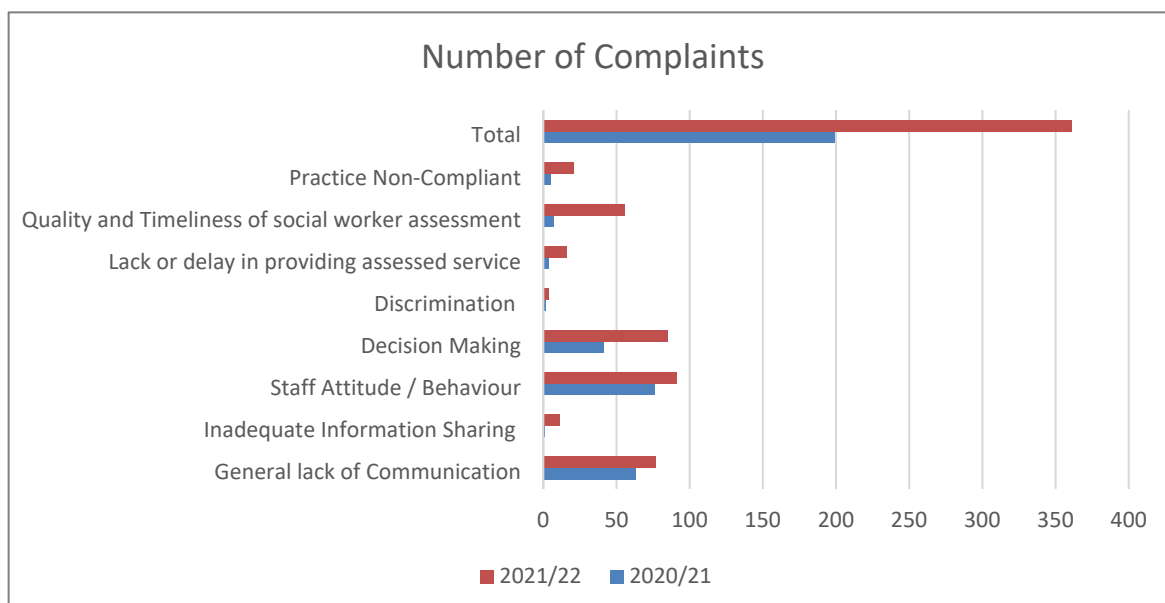


Children Services Team	2020/21	%	2021/22	%
Family Front Door	31	17%	51	23.94%
Adoption (now ACE <sup>1</sup> )	-	-	-	-
Advanced Practitioners	-	-	-	-
Children with Disabilities	5	3%	15	7.04%
Fostering & Kinship	6	3%	8	3.76%
Safeguarding Teams	96	52.5%	89	41.78%
Safeguarding and Quality Assurance	-	-	-	-
Support Services (including Supervised Contact)	-	-	1	0.47%
Residential and Commissioning	1	0.5%	-	-
Targeted Early Help / Targeted Family Support	6	3%	9	4.23%
Through Care	38	21%	40	18.78%
<b>Total</b>	<b>183</b>	<b>100%</b>	<b>213</b>	<b>100%</b>

19. Nature of Complaints: There is an increase in the nature-of complaints as shown above. This will be due to a larger number of overall complaints, but also reflects a change in the way that complaints are being more accurately recorded between Worcester Children First (WCF) and the Consumer Relations Unit (CRU).

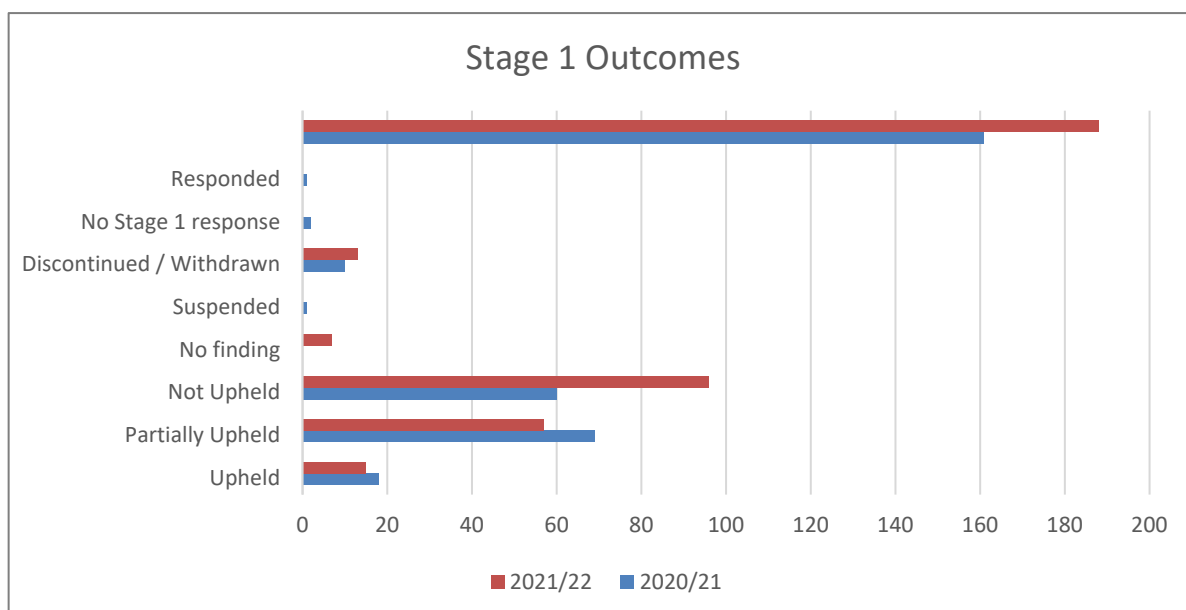
Nature of Complaints	2020/21	%	2021/22	%
General lack of Communication	63	31.5%	77	21%
Inadequate Information Sharing	1	0.5%	11	3%
Staff Attitude / Behaviour	76	38%	91	25%
Decision Making	41	21%	85	24%
Discrimination	2	1%	4	1%
Lack or delay in providing assessed service	4	2%	16	4%
Quality and Timeliness of social worker assessment	7	3.5%	56	16%
Practice Non-Compliant	5	2.5%	21	6%
<b>Total</b>	<b>199</b>	<b>100%</b>	<b>361</b>	<b>100%</b>

<sup>1</sup> ACE is a regional *adoption* agency



20. Stage 1 Outcomes: These are the outcomes for the Stage 1 complaints that have been completed this year. This figure is lower than the complaints received as some will have still been in progress at the time of this report and so will not have an outcome yet. Complaints may be suspended when further information is required from the complainant or when court proceedings are underway.

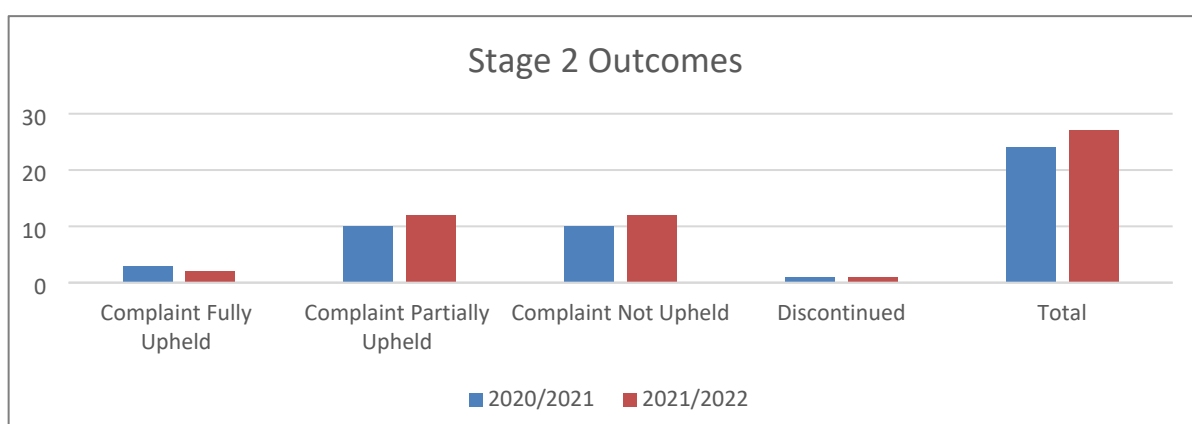
Stage 1 Outcomes	2020/21	%	2021/22	%
Upheld	18	11.2%	15	8%
Partially Upheld	69	42.9%	57	30%
Not Upheld	60	37.3%	96	51%
No finding	-	-	7	4%
Suspended	1	0.6%	-	-
Discontinued / Withdrawn	10	6.2%	13	7%
No Stage 1 response	2	1.2%	-	-
Responded	1	0.6%	-	-
<b>Total</b>	<b>161</b>	<b>100%</b>	<b>188</b>	<b>100%</b>



Timescales of Stage 1 Complaint Resolutions	2020/21	2021/22
Within 10 working days	30%	15.5%
Within 20 working days	61%	82%
Within 40 working days	8%	2%
After 40 working days	1%	0.5%

21. Stage 2 Outcomes: These figures are for all Stage 2 complaints completed during this reporting year. Some may have been received in the previous year and some investigations were on-going at the end of the year.

Stage 2 Outcomes	2020/2021	2021/2022
Complaint Fully Upheld	3	2
Complaint Partially Upheld	10	12
Complaint Not Upheld	10	12
Discontinued	1	1
<b>Total</b>	<b>24</b>	<b>27</b>



<b>Timescales of Stage 2 Complaint Resolutions</b>	<b>2020/21</b>	<b>2021/22</b>
Within 25 working days	0%	0%
Within 65 working days	17%	70%
More than 65 working days	83%	30%

22. Compliments: Compliments relating to Children's Social Care Services have come from people independent of the local authority. Most compliments received are about staff members, with a few complimenting the service provided.

<b>Service Area</b>	<b>2020/2021</b>	<b>2021/2022</b>
Children with Disabilities	2	4
Fostering & Kinship	9	2
QA and Independent Review	-	9
Advanced Social Work Practitioners	-	2
Safeguarding Area	46	33
Family Front Door	18	15
Targeted Early Help	2	10
Through Care	20	6
Child Protection Chairs and Local Authority Designated Officer	-	1
<b>Total</b>	<b>97</b>	<b>82</b>

## Adult Social Care Complaints

23. Number of Complaints

### Numbers of Adult Service complaints received

<b>Level</b>	<b>2020-21</b>	<b>2021-22</b>
Low Risk	95	190
Moderate /High Risk	28	43
Informal	22	14
LGO	7	14
<b>Total</b>	<b>152</b>	<b>261</b>

### Complaints by Service Area

<b>Service Area</b>	<b>2020 -21</b>	<b>2021-22</b>
Central Services	19	57
Commissioning	6	7
Mental Health & Learning Disabilities	7	42
Area Social Work Teams	39	78
Provider Services	30	74
Quality, Safeguarding, DOLS & Prisons	19	17
Urgent Care	-	12
<b>Total</b>	<b>123</b>	<b>287</b>

### Service Being Complained About

<b>Service</b>	<b>2020 to 2021</b>	<b>2021 to 2022</b>
Access & Patient Flow Centre	2	-
Brokerage Process	4	1

CHC	2	2
Complaint Process not followed	-	1
Contracted out (Day Care)	-	2
Decision Making	6	34
Discrimination	-	1
Duty, Care and Support Planning	46	39
Financial Assessment/Direct Payment	33	25
Financial (home care)	8	-
Finance	14	22
Externally Commissioned Home Care	13	29
Externally Commissioned Respite	1	1
Externally Commissioned Res/Nursing	7	4
Supported Living	-	2
Other	-	1
Learning Disabilities	2	2
Mental Capacity Assessment	-	4
Promoting Independence	16	14
Safeguarding Processes	12	5
Shared Lives	2	-
Staff	11	11
Standard of Service	118	176
<b>Total</b>	<b>297</b>	<b>376</b>

	2020-21	2021-22
Adult Safeguarding	13	2
Breach of Confidentiality	10	5
Care Plan Assessment	1	1
Changes to call Times	1	2
Continuing Health Care	-	1
Delay in Providing Service	11	2
Delay/Failure to Keep Informed	-	1
Direct Payments	4	8
Discrimination	-	1
Financial	45	14
General lack of Communication	46	35
Inaccurate Information	3	2
Info from Provider	1	1
Lack of or delay in providing assessment	-	1
Lack of Service	9	5
Medication	-	2
Mental Capacity Assessment	-	3
No return of telephone calls	4	6
Other	2	1
Outcome of Decision/Assessment	3	5
Practice non-compliant with leg/process	-	2
Process dec/Res Alloc	2	4
Staff Attitude/Behaviour	34	16
Staff/Training/Qualifications	-	1
Standard of Service Delivery	118	176



Support Planning	6	4
<b>Total</b>	<b>313</b>	<b>301</b>

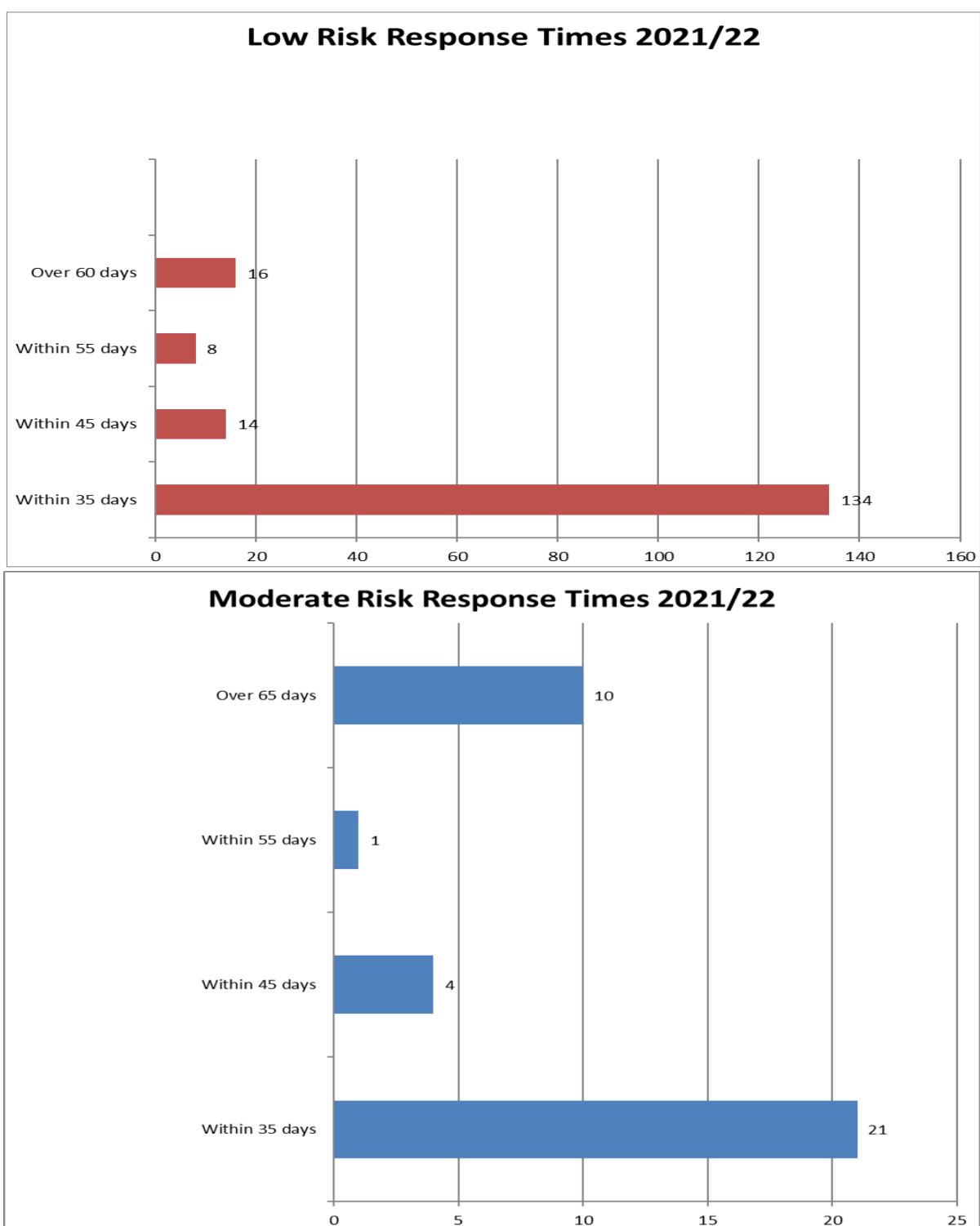
24. Outcomes of Formal Complaints: Low Risk complaints are relatively straight forward and relate to a single or a few issues that can be readily resolved. Some complaints were redirected, such as to other partner organisations or to the provider's own complaints process.

<b>Low Risk Complaints</b>	<b>2020-21</b>	<b>2021-22</b>
Upheld	21	26
Partially Upheld	22	30
Not Upheld	20	45
Re-directed	6	3
Discontinued (includes referred to Safeguarding)	37	62
Permission Required	1	-
Withdrawn	-	6
<b>Total</b>	<b>107</b>	<b>172</b>

25. Moderate Risk complaints are generally those that deal with a number of issues, or a number of teams and cross organisational issues. These are either dealt with by a relevant Social Care Manager or Advanced Social Work Practitioner or the Investigating Officer for Adult Social Care.

<b>Moderate Risk Complaints</b>	<b>2020-21</b>	<b>2021-22</b>
Upheld	4	3
Partially Upheld	8	8
Not Upheld	2	4
Discontinued	4	17
Redirected	1	2
Withdrawn	-	2
<b>Total</b>	<b>19</b>	<b>36</b>

26. Timescales: There are no prescribed time limits for dealing with complaints, although the legislation suggests a maximum of 6 months. The expectation is that reasonable timescales are negotiated and agreed with the complainant. Adult Social Care have set default time limits of 35 working days for the completion of complaints, although it is possible that such timescales are extended for more complex complaints.



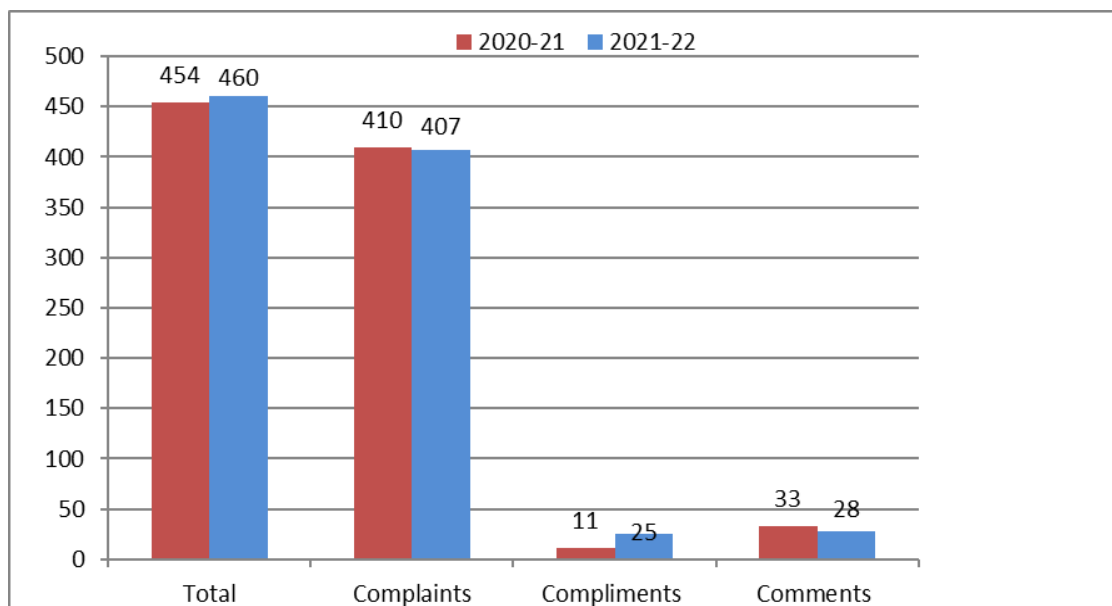
## 27. Compliments

Compliments	2020/21	2021/22
Central Services	15	10
Commissioning	-	1
Mental Health & Learning Disabilities	11	39
Operations & Intergration	133	68
Provider Services	93	92
Quality, Safeguarding, DOLS & Prisons	1	3

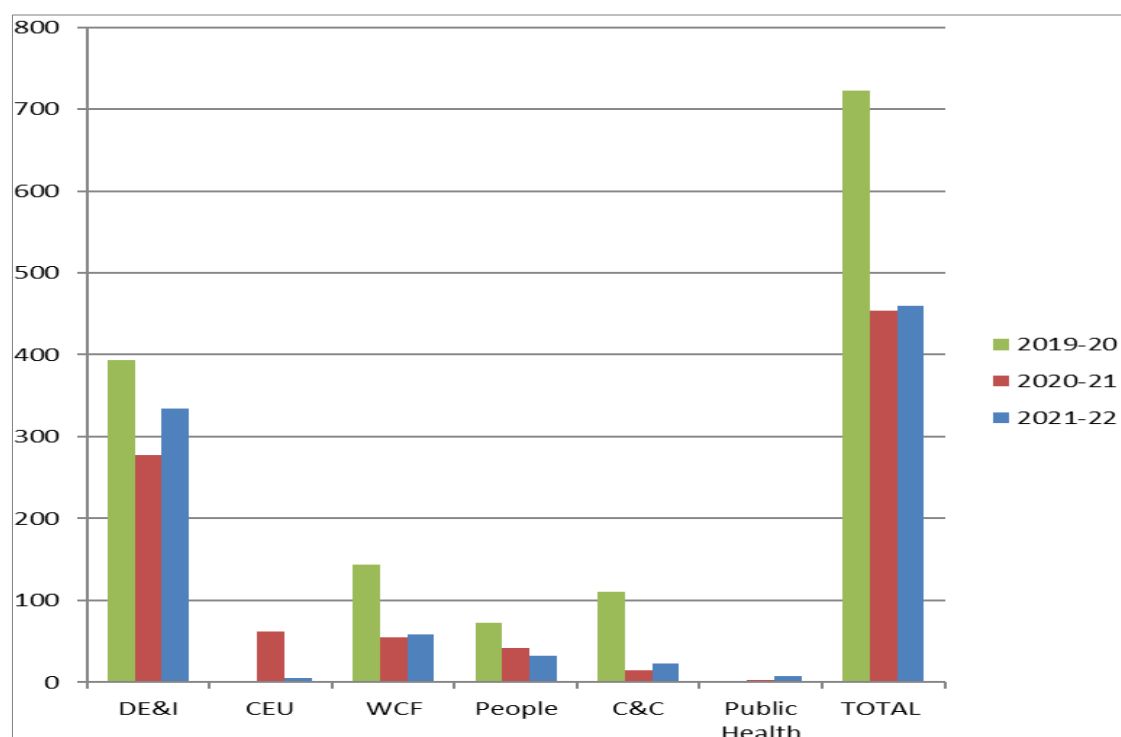
Urgent Care	14	9
<b>Total</b>	<b>267</b>	<b>222</b>

## Corporate Complaints

28. Number of Complaints: The total number of representations received in 2021-22 shows a minor increase of just over 1% compared with the previous year.

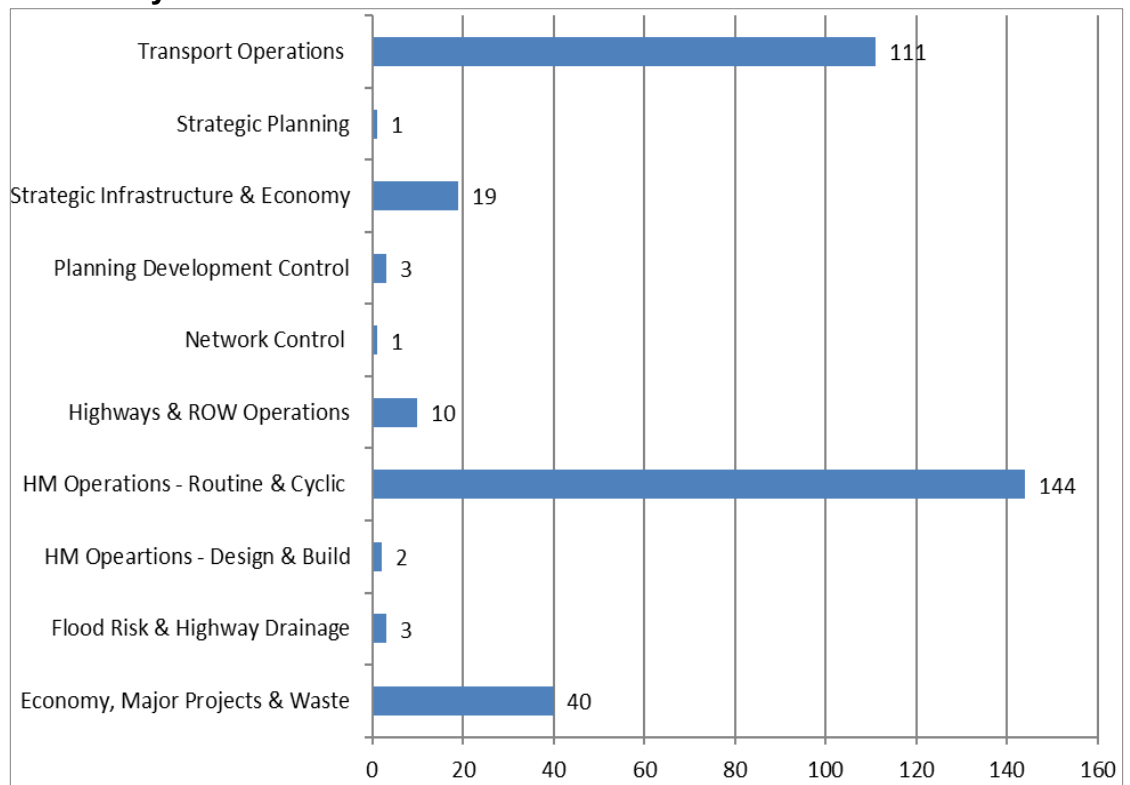


## 29. Complaints by Directorate

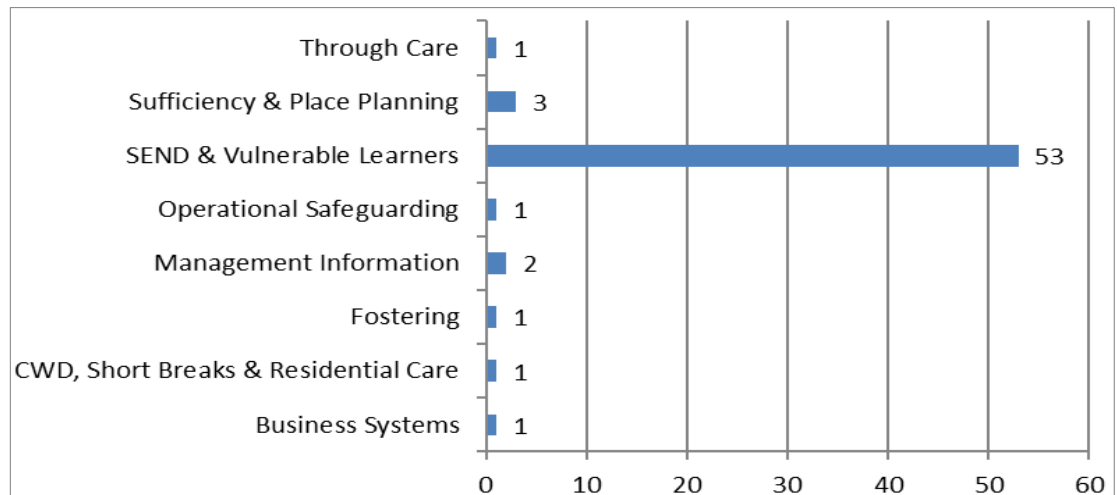


### 30. Complaints by Service Area

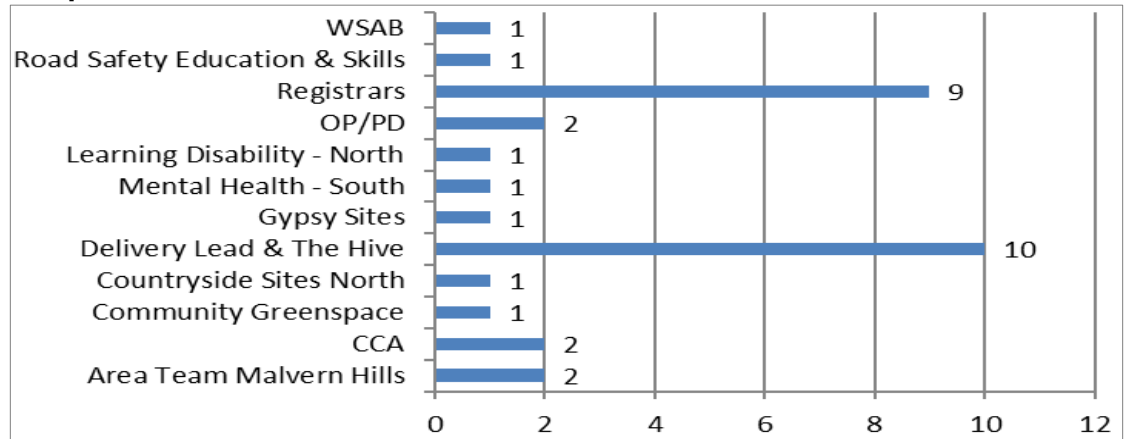
#### Economy and Infrastructure



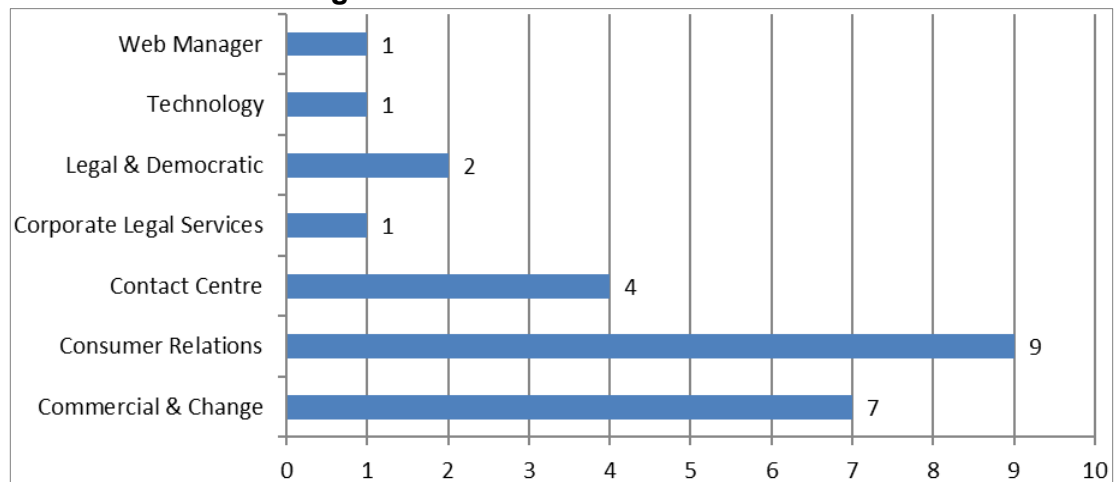
#### Worcestershire Children First



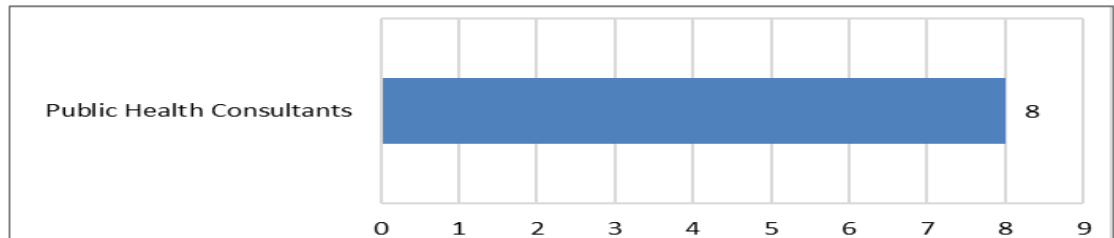
## People



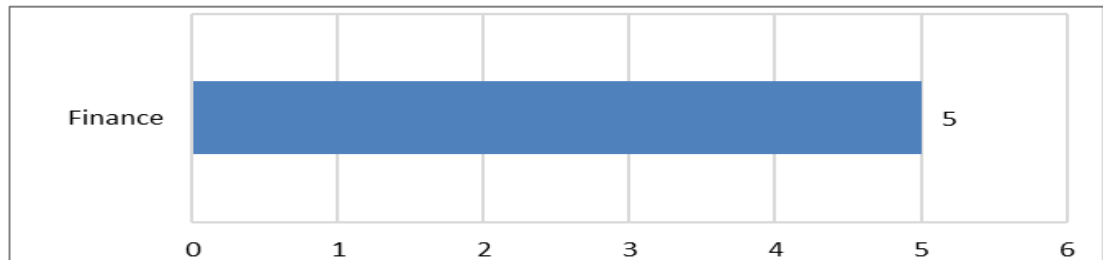
## Commercial and Change



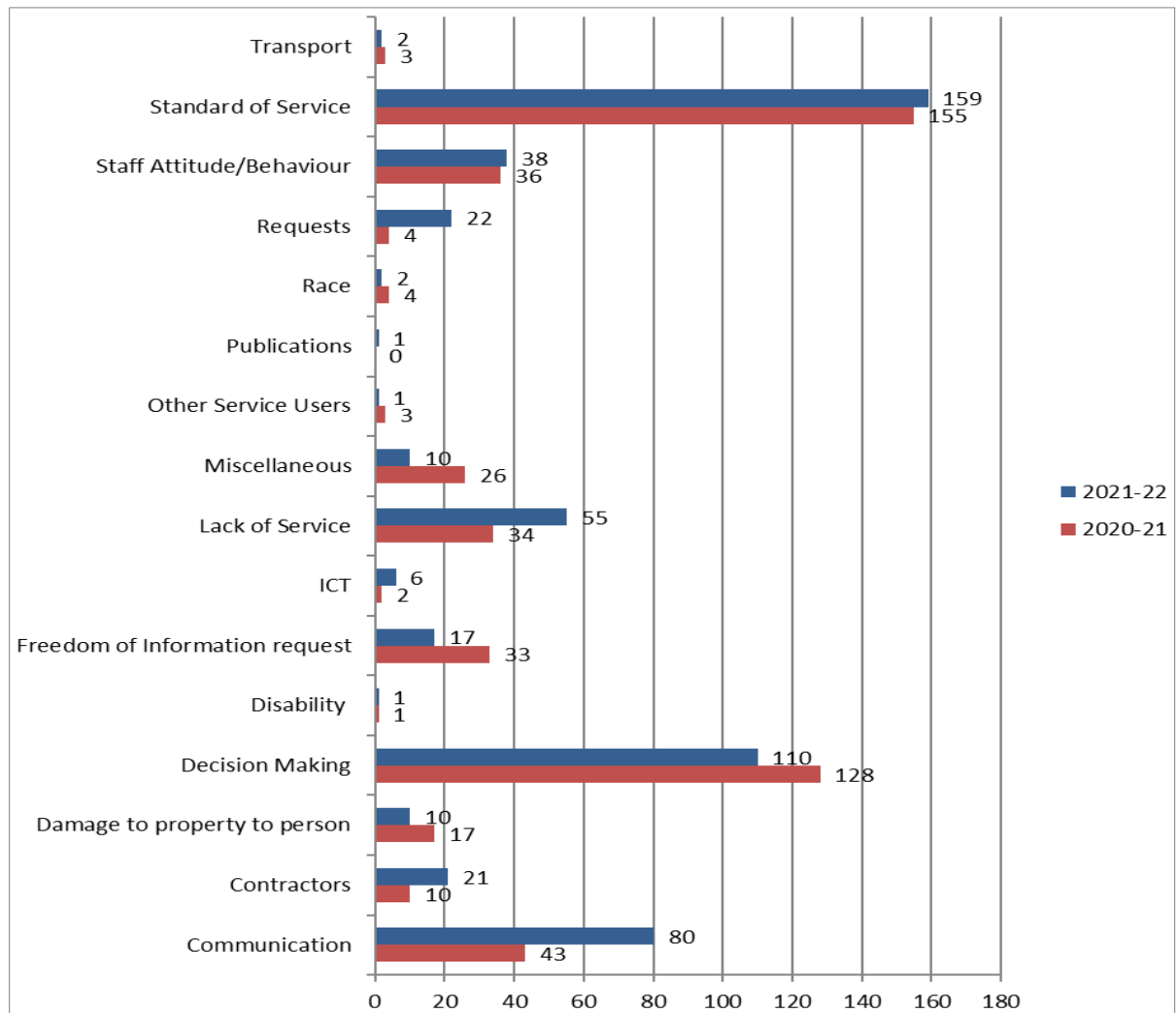
## Public Health



## Chief Executives

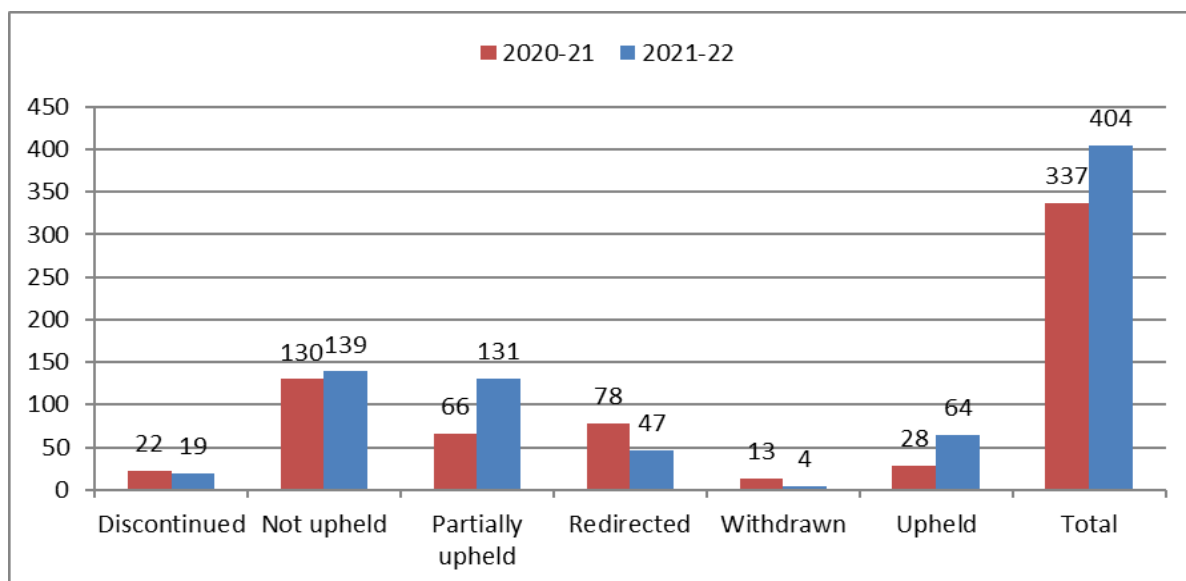


## 31. Nature of Complaints

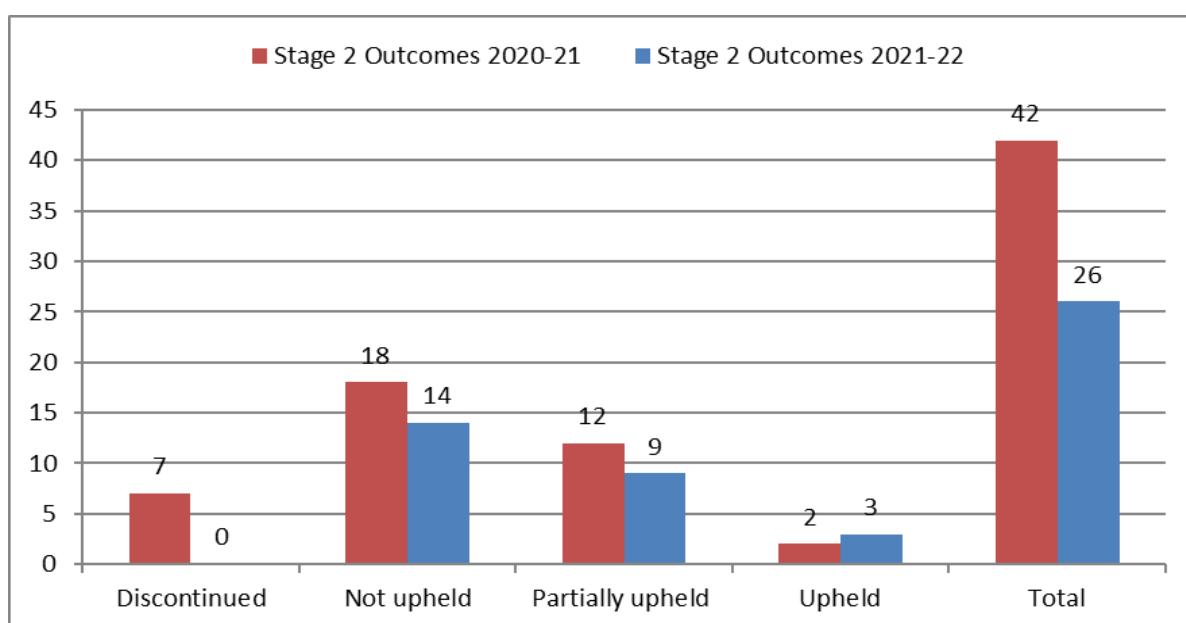


31. As in previous years, many of the complaints fall under the more general headings of Communication, Decision making and Standard of Service. The most noticeable change is the increase in the number of complaints relating to communication.

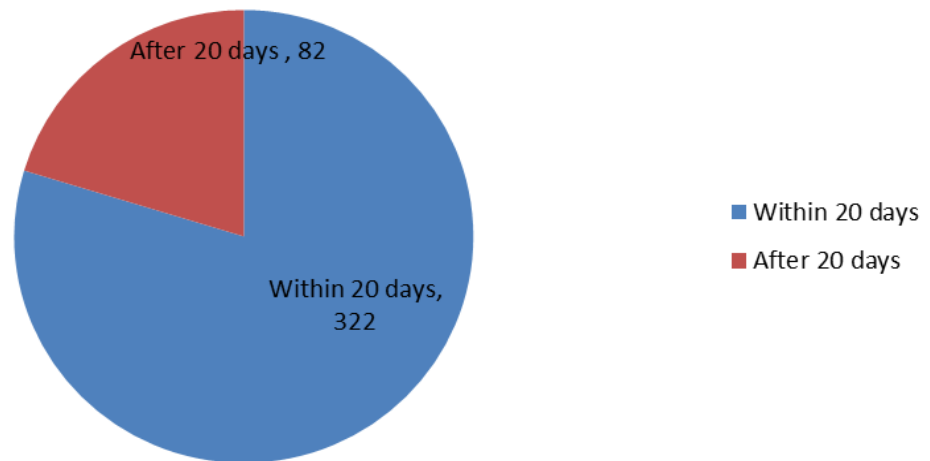
32. Stage 1 Outcomes: In the year 2021-22 there were a total of 404 Stage 1 complaints determined compared to 337 in 2020-21.



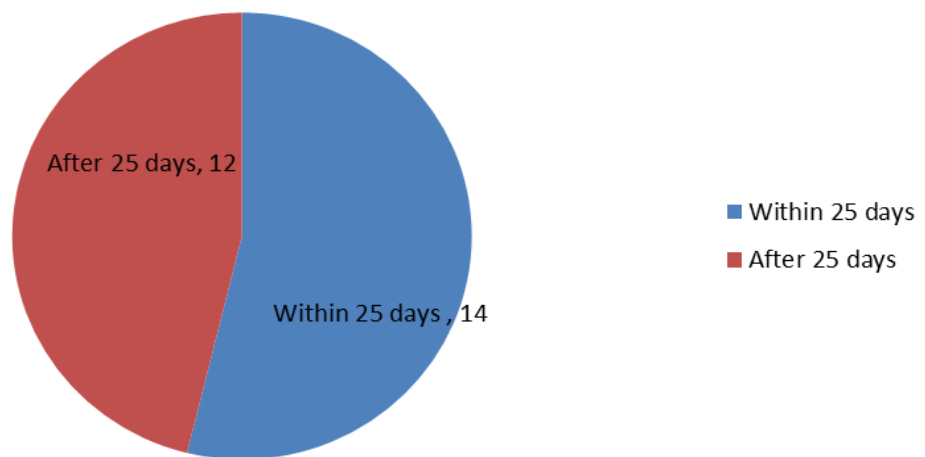
33. Stage 2 Outcomes: In the year 2021-22 there were a total of 26 Stage 2 complaints determined compared to 42 in 2020-21.



34. Timescales: Stage 1 Complaints: The majority, (80%) of Stage 1 complaints were responded to within the 20-day target. The average response time for all Stage 1 responses was 15 days. This is slightly lower than average from 2020-21 when the average was 13 days.



35. Stage 2 Complaints: 54% of Stage 2 complaints were responded to inside the 25-working day target. The average response time for all Stage 2 responses was 59 days.



### Key Performance Indicators (KPIs)

36. Stage 2 Outcomes: These figures are for all Stage 2 complaints completed during this reporting year. Some may have been received in the previous year and some investigations were on-going at the end of the year.

37. 2021/2022 Performance shows improvement on the previous year for the following areas:

- Children's Social Care Stage 1 complaints completed in 20 days has improved from 72.37%
- Children's Social Care Stage 2 complaints completed in 65 days has improved from 30.12%
- Corporate Stage 2 complaints completed in 25 days has improved from 46.21%
- E&I Stage 2 complaints completed in 25 days has improved from 52%
- Children's Social Care complaints progressing to Stage 2 has improved from 19.75%



<b>KPI*</b>	<b>Target</b>	<b>2021 / 22 Performance</b>	<b>Comment</b>
<b>Children's Social Care Stage 1 complaints completed in timescale (within 20 days)</b>	90%	89.79%	Higher performance is better
<b>Children's Social Care Stage 2 complaints completed in 65 days</b>	90%	72.50%	Higher performance is better
<b>Adult Social Care complaints completed in timescale (within 6 months)</b>	100%	98.72%	Higher performance is better
<b>Corporate Stage 1 complaints completed in timescale (within 20 days)</b>	90%	73.13%	Higher performance is better
<b>Corporate Stage 2 complaints completed in timescale (within 25 days)</b>	90%	83.33%	Higher performance is better
<b>E&amp;I Stage 1 complaints completed in timescale (within 20 days)</b>	90%	78.9%	Higher performance is better
<b>E&amp;I Stage 2 complaints completed in timescale (within 25 days)</b>	90%	83.33%	Higher performance is better
<b>Adult Social Care complaints that progress to the Local Government and Social Care Ombudsman</b>	25%	4.45%	Lower performance is better
<b>Corporate complaints that progress from Stage 1 to Stage 2</b>	25%	18.10%	Lower performance is better
<b>Children's Social Care complaints that progress from Stage 1 to Stage 2</b>	25%	6.40%	Lower performance is better

(NB some of these are new indicators and therefore comparison with the previous year is not possible).

## Learning from Complaints

38. When a complaint is upheld (Council at fault) and the findings of a subsequent investigation is for a change to policy or service delivery, the Consumer Relations Unit produce an action plan report and follow up with the service any learning/action that needs to be carried out. Recommendations within these reports are agreed with appropriate Assistant Director and shared with the relevant Director.

39. Learning from complaints is an important aspect of the Complaints procedure. Examples from 2021/22 include:

- i. Staff to be mindful that whilst we are generally clear that clients have a right to be consulted about their care arrangements and their views considered, wider family and care networks may not be aware of this responsibility and

will sometimes assume that concerns raised ought to be kept confidential. Perhaps a discussion with the family to advise that those concerns needed to be shared with him might have averted the arguments and stresses that ensued.

- ii. The Deprivation of Liberty Safeguards (DoLS) Form 3 has been amended to reflect accurate information and a copy resent. The learning from this complaint investigation has been shared with the DoLS team and assessors have been asked to double check the accuracy of dates and information on the form.
- iii. A review of care needs should always take place before a conclusion is made regarding long term support. As a result, the following action will be taken:
  - The manager of the service will discuss the discharge home to assess model with all assessors.
  - The manager of the service will raise this complaint as a concern with the hospital team.
- iv. The development of a criterion for remedies of complaints about Worcestershire Children First (WCF) to ensure a consistent approach; this may include the development of practice standards/procedures or training etc.

## **Complaint Training**

40. Consumer Relations Officers provide training sessions for staff on the operation of the 3 different complaints procedures, as and when required. So far in the current year 4 sessions have been provided for staff in People Directorate (14 attendees). This is in addition to the guidance available on the staff intranet.

## **Vexatious Complainant Procedure**

41. There are procedures for dealing with vexatious complainants and they are set out in the legislation for the Adult and Children's representations procedures. As a Local Authority we have also adopted a similar procedure for Corporate Complaints. It is a serious measure to take, and the criteria must be evidenced and met to instigate it. The team manage this process, in conjunction with senior managers of the affected service. However, identifying someone as vexatious does not mean that we can refuse to take new complaints from them or to communicate with them on some level. The team give advice to managers on how to handle difficult or persistent complainants before reaching the question of using the vexatious process. So far this year, no complainant has been registered as vexatious.

## **Compliments**

42. The Senior Leadership Team considered a report on complaints recently and determined to undertake greater promotion of compliments where possible. Although there are existing processes for recording, acknowledging, and sharing compliments within a service, Directors will personally receive copies of all compliments for their service and undertake to ensure they are fully promoted and drawn to the attention of the relevant Cabinet Member.

## **Monitoring Information**

43. The Council does not currently collect any demographic information to support data analysis or capture evidence of any groups being disproportionately affected. The Council, being under the Public-Sector Equality Duty must, on an on-going basis, consider how its policies are working for the diverse communities the Council serves.

## **Independent Investigators and Independent Persons**

44. The Children's Act 1989, subsequent legislation and guidance determine the Children's Social Care procedure in place in the Council. At Stage 1, WCF staff carry out the investigation and respond to the complainant direct, as the requirement is to deal with matters as close to the point of service delivery as possible. They have 10 working days to do so, extendable to 20 working days if necessary.

45. At Stage 2, the appointment of an Independent Person (IP) is required, together with an Investigating Officer (IO). Whilst an IO can be an employee of the authority, they cannot be from the service complained about. In the past, the Consumer Relations Officer for Children's Services did conduct some investigations themselves, whilst also using IOs from the pool, but workloads are now such that they are rarely able to do so, particularly given the tight timescale of 25 - 65 working days. Most local authorities use external IOs.

46. The roles of the IO and IP are set out in the guidance. The IO must be impartial and open-minded, and their investigation based on an analysis of information and interviews. Their conclusions must be evidenced and reasonable based on the balance of probability. An IP is involved at all stages of the investigation and cannot be an elected member, employee, or former employee (or spouse). Their role is to ensure the investigation is open, transparent and fair (particularly regarding the young person concerned). If the complaint progresses to Stage 3 both the IO and IP are required to attend the Review Panel and speak to their reports.

47. IOs are also used for Moderate and High Risk Adult Social Care complaints and Stage 2 Corporate complaints where the Consumer Relations Officers are unable to undertake the investigations themselves.

## **Legal Implications**

48. Stage 2 Outcomes: These figures are for all Stage 2 complaints completed during this reporting year. Some may have been received in the previous year and some investigations were on-going at the end of the year.

49. Children and Family Services - The Children Act 1989, Representations Procedure (England) Regulations 2006. The Local Authority functions covered include services provided under Parts III, IV and V of the Children Act 1989.

50. Adult Social Care – The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, which came into force on 1 April 2009.

51. Public Health - The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

## **Health and Wellbeing Implications**

52. The complaints element of the social care and corporate procedure is part of a wider assurance process supporting quality in service delivery standards. This can then be a positive experience for customers and contribute to their health and well-being. For those occasions where the experience which has led to a complaint is a less positive one, then there is an opportunity for appropriate action or redress so that the health and well-being of the complainant and/or relevant others is secured. The compliments process allows customers to note great practice by the Council; positive experience of officers working in many different settings will support improved experience of health and well-being for individuals as well as for staff who can be satisfied that their work is appreciated.

## **Purpose of the Meeting**

53. The Corporate and Communities Overview and Scrutiny Panel is asked to:

- Consider the information provided in the report.
- Determine any comments the Panel would wish to make to the Cabinet Member with Responsibility for Corporate Services and Communication.

## **Supporting Information**

Appendix 1 – Local Government and Social Care Ombudsman - Annual Review letter for Worcestershire County Council 2022.

Appendix 2 – Examples of compliments received during 2021/2022

## **Contact Points**

Deborah Dale, Member Engagement Officer

Tel: 01905 846282 Email: [scrutiny@worcestershire.gov.uk](mailto:scrutiny@worcestershire.gov.uk)

Annette Stock, Complaints Manager

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## **Background Papers**

In the opinion of the Proper Officer (in this case the Democratic Governance and Scrutiny Manager), the following are the background papers relating to the subject matter of this report:

- Agenda and Minutes of the Corporate and Communities Overview and Scrutiny Panel on 8 November, 20 July and 11 March 2021.

[All agendas and minutes are available on the Council's website here.](#)