

**Adult Social Care Statutory Representations and Complaints
Procedure
Annual Report
2021-2022**

Adult Social Care Services



**Compliments
Comments
Complaints**

Make your views known

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1. Purpose of Report

1.1 This is the Annual Report for Worcestershire County Council on the operation of the Representations and Complaints Procedure in respect of Adult Social Care Services from 1 April 2021 to 31 March 2022.

2. Background

2.1 The Local Authority Social Services Act 1970, as amended by the National Health Service and Community Care Act 1990, and Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 require the County Council to have a procedure for resolving complaints and representations received by, or on behalf of, adult service users.

2.2 A requirement of the procedure is that an annual report is presented to the County Council about compliments, comments and complaints received through the year. This report is open to inspection by members of the public under the terms of the Local Government (Access to Information) Act 1985.

3. Overview of complaints

3.1 Number of complaints received

3.1.1 The number of complaints increased in Adult Social Care, increasing from 123 in 2020/21 to 233 in 2021/22. There were 14 informal complaints reported this year. (See appendix 1 for full data).

3.1.2 Some Social Care complaints, which do not relate to individuals or the services they receive, are dealt with through the Corporate process. This year 13 complaints were dealt with through the Corporate complaints procedure, mainly in regard to the standard of service received.

3.2 Ombudsman Complaints

3.2.1 This is a brief summary of the Local Government Ombudsman (LGO) complaints received, and those where decisions were made this year:

- 13 complaints were received, and 11 were determined.
- Of the determined, 3 were upheld, and were found maladministration with injustice. 3 were closed after initial inquiries with no further action, 1 was upheld no further action, 2 were not upheld no maladministration and 2 were not upheld no further action.
- The 3 upheld decisions and fault found were complainants who were dissatisfied with the response they had received to their complaint from Worcestershire County Council.

3.2.2 For the purposes of this annual report we have used the Council's figures. The LGO has published a report, but accepted that their figures would not match the data collected by Local Authorities due to the timescale of decisions being reported.

3.3 What is being complained about?

3.3.1 The primary areas of complaint are as follows (See appendix 1 for full data):

a) Assessment, support planning and resource allocation

3.3.2 The core business of Social Work includes assessment, support planning and resource allocation, which receives the highest level of complaints. Within this area, the largest areas of complaint are around communication and standard of service received from staff.

b) Other areas: Contracted residential care and domiciliary care and financial assessments

3.3.3 There has been an increase in complaints regarding externally commissioned care providers, and this has in the main been around covid protocols. These figures only show the complaints being dealt with through the Council's formal process, and do not include complaints received directly by the services or dealt with via the Council's quality assurance processes.

Finance is an area that has also seen an increase in complaint numbers.

3.3.4 There was an increase in the number of complaints that related to the standard of service received in the complainant's view. 58% of complaints received in 2021/22 (as compared to 38% in 2020/21) were related to standard of service and reflect an increase of 20%. Standard of Services includes service delivery, assessment of eligibility for services and timeliness in receiving services. Not all adults will be eligible for services from Adult Social Care following assessment. This can inevitably result in challenge and disagreement on how individual needs can be met. These are often emotive and challenging situations which can stimulate complaints where people do not agree with the practitioner's views or level of service received. Delays may also be incurred due to sourcing the right support, again leading to a complaint. Concerns raised regarding a lack of empathy and compassion shown to service users, the standard of care received on domiciliary visits i.e. not staying for the full time allotted and the amount of attention given to residents, not wearing the necessary Personal Protective Equipment.

A breakdown of the service areas are shown in Appendix 1.

3.4 Upheld Complaints

3.4.1 For those complaints either fully or partially upheld, one of the main issues was around standard of service and communication.

3.5 Learning from Complaints

3.5.1 Learning from complaints is an important aspect of the complaint procedure, and there is a requirement that Adult Social Care evidence how learning from complaints feeds into service delivery and development.

3.5.2 A Key Learning Form is used to capture the learning and provide an audit trail of its implementation. The information from the Key Learning Form then feeds into the quarterly reports provided for the Senior Management Team meetings. In this way information derived from complaints can be used as a measure of performance and can contribute to practice development, commissioning and service planning. In many

instances, outcomes to complaints are specific to the case and there are no general learning points that would influence policy or procedure.

3.5.3 Key Learning Forms are also discussed in the Operational Manager's meetings, where specific elements of learning are discussed, and actions agreed. Individual issues about specific teams are dealt with through supervision with the area managers and team meetings.

3.5.4 These are some examples of learning this year:

| What people have complained about | What action has been taken as a result |
|--|---|
| Not received sufficient information in order for an appropriate package of care being put in place. | In house provider managers addressed the issues with their front-line staff. Reiterating importance of completing 'ither information' that will alert new providers to any areas of concerns so these may be discussed. |
| Misinformation given regarding how long would receive a service form the Reablement Team ranging from 72 hours to six weeks. | A review of care needs should always take place before a conclusion is made regarding long term support. The Manager of the service discussed the discharge home to assess model with all assessors. The Manager of the service will raise this complaint as a concern wit the Hospital Team. |
| SU went into care in 2019 but invoices were not issued until 2021. SU passed away but invoices continued to be issued. The Home was unaware that funding had commenced. Council had been contacted on numerous occasions, but this matter was not resolved. | As a result of the findings, action has been taken to ensure that once funding has been agreed an automatic referral is sent from the Social Worker to the Care Contribution Assessment Team. The lack of response with the appropriate teams and individuals across the service has been addressed and Officers are fully aware of the consequences of the poor service provided and the need to correctly follow process in the future. |

3.6 Financial Redress

3.6.1 As an outcome of some of the upheld or partially upheld complaints Adult Social Care agreed to write off certain charges or make ex gratia payments. Payments this year totalled £2,144.03.

3.7 Time Limits

3.7.1 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 has set default time limits of 35 working days for the completion of complaints, although it is possible to extend the timescales for more complex complaints.

3.7.2. Of the Low-Risk complaints responded to, 79% were responded to within timescale; for Moderate Risk complaints 58% were responded to within timescales.

However moderate complaints tend to be more complex and cover more than one service.

3.8 Advocacy

3.8.1 There were 4 complaints this year supported by an advocate.

3.9 Compliments and Comments

Detailed information is contained in Appendix 4

Comments on this report are welcomed and requests for further information should be directed to:

The Consumer Relations Officer, (Adult Social Care Services)

Telephone: 01905 846365

Email: representations@worcestershire.gov.uk

Consumer Relations Unit
County Hall
Worcester
WR5 2NP

This document can be made available in other languages and alternative formats (large print, audio tape, computer disc and Braille) by contacting the Consumer Relations Unit on telephone number 01905 846365.

Appendix 1

Formal Complaints Process

Complaints are grouped according to the area of service provision, which are:

Numbers of Adult Service complaints received

| Level | 2020-21 | 2021-22 |
|---------------------|------------|------------|
| Low Risk | 95 | 190 |
| Moderate /High Risk | 28 | 43 |
| Informal | 22 | 14 |
| LGO | 7 | 13 |
| Total | 152 | 260 |

Complaints by Service Area

| Service Area | 2020 -21 | % share 20-21 | 2021-22 | % share 21-22 |
|---------------------------------------|------------|---------------|------------|---------------|
| Central Services | 19 | 16% | 57 | 20% |
| Commissioning | 6 | 5% | 7 | 2% |
| Mental Health & Learning Disabilities | 7 | 6% | 42 | 15% |
| Area Social Work Teams | 39 | 32% | 78 | 27% |
| Provider Services | 30 | 25% | 74 | 26% |
| Quality, Safeguarding, DOLS & Prisons | 19 | 16% | 17 | 6% |
| Urgent Care | - | - | 12 | 4% |
| Total | 123 | 100% | 287 | 100% |

N.B These totals are for those complaints entering the formal process, excluding those received via the LGO.

Service Being Complained About

(N.B Totals may differ as some complaints cover more than one service)

| Service | 2020 to 2021 | 2021 to 2022 |
|-------------------------------------|--------------|--------------|
| 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 |
| LD | 2 | 2 |
| MCA | - | 4 |
| Promoting Independence | 16 | 14 |
| Safeguarding Processes | 12 | 5 |
| Shared Lives | 2 | - |
| Staff | 11 | 11 |
| Standard of Service | 118 | 176 |
| Total | 297 | 376 |

Nature of Complaints

(N.B Totals may vary as some complaints have various natures)

Across all the Service Areas the issues being complained about are:

| | 2020-21 | 2021-22 |
|--|----------------|----------------|
| Adult Safeguarding | 13 | 2 |
| Breach of Confidentiality | 10 | 5 |
| Care Plan Assessment | 1 | 1 |
| Changes to call Times | 1 | 2 |
| CHC | - | 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 |
| Total | 313 | 301 |

The majority of the nature of complaints is regarding the standard of service delivery. 41 of these related to area social work teams assessment or 24 related to Provider standards of service.

Break down by Service area

| 2021/22 | Central Services | Commissioning | Mental Health & Learning | Area Social Work Teams | Provider Services | Quality, Safeguarding, DOLS & Prisons | Urgent Care |
|--|------------------|---------------|--------------------------|------------------------|-------------------|---------------------------------------|-------------|
| Adult Safeguarding | - | - | - | - | - | 2 | - |
| Breach of Confidentiality | 1 | - | 2 | 1 | - | 1 | - |
| Care Plan Assessment | - | - | - | 1 | - | - | - |
| Changes to call Times | - | - | - | - | 2 | - | - |
| CHC | - | - | - | 1 | - | - | - |
| Delay in Providing Service | - | - | - | 1 | 1 | - | - |
| Delay/Failure to Keep Informed | - | - | - | 1 | - | - | - |
| Direct Payments | 6 | 1 | - | 1 | - | - | - |
| Discrimination | 1 | - | - | - | - | - | - |
| Financial | 13 | - | - | 1 | - | - | - |
| General lack of Communication | 14 | - | 10 | 6 | 4 | - | 1 |
| Inaccurate Information | - | - | - | - | 1 | 1 | - |
| Info from Provider | - | 1 | - | - | - | - | - |
| Lack of or delay in providing assessment | - | - | - | 1 | - | - | - |
| Lack of Service | 1 | - | 3 | - | 1 | - | - |
| Medication | - | - | - | 1 | 1 | - | - |
| Mental Capacity Assessment | - | - | 1 | 2 | - | - | - |
| No return of telephone calls | 1 | - | 4 | - | 1 | - | - |
| Other | - | - | - | 1 | - | - | - |
| Outcome of Decision/Assessment | - | - | - | 4 | - | 1 | - |
| Practice non-compliant with leg/process | - | - | - | 1 | 1 | - | - |
| Process dec/Res Alloc | - | - | 1 | - | 2 | 1 | - |
| Staff Attitude/Behaviour | 1 | - | 4 | 6 | 4 | 1 | - |
| Staff/Training/Qualifications | - | 1 | - | - | - | - | - |
| Standard of Service Delivery | 35 | 1 | 25 | 42 | 57 | 8 | 8 |
| Support Planning | - | - | 2 | 2 | - | - | - |
| Total | 73 | 4 | 52 | 73 | 75 | 15 | 9 |

25 complaints were received relating to external care providers and 32 complaints were received relating to internal providers.

Appendix 2: Outcomes of Formal Complaints

| Low Risk Complaints | 2020-21 | % share 20-21 | 2021-22 | % share 21-22 |
|---------------------|---------|---------------|---------|---------------|
| Upheld | 21 | 20% | 26 | 15% |

| Low Risk Complaints | 2020-21 | % share 20-21 | 2021-22 | % share 21-22 |
|--|----------------|----------------------|----------------|----------------------|
| Partially Upheld | 22 | 20% | 30 | 17% |
| Not Upheld | 20 | 19% | 45 | 26% |
| Re-directed | 6 | 6% | 3 | 2% |
| Discontinued (includes referred to Safeguarding) | 37 | 34% | 62 | 36% |
| Permission Required | 1 | 1% | - | - |
| Withdrawn | - | - | 6 | 4% |
| Total | 107 | 100% | 172 | 100% |

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. Complaints can be discontinued due to consent not being received when required or no further contact received when further clarification is required.

| Moderate Risk Complaints | 2020-21 | % share 20-21 | 2021-22 | % share 20-21 |
|---------------------------------|----------------|----------------------|----------------|----------------------|
| Upheld | 4 | 21% | 3 | 8% |
| Partially Upheld | 8 | 42% | 8 | 22% |
| Not Upheld | 2 | 11% | 4 | 11% |
| Discontinued | 4 | 21% | 17 | 47% |
| Redirected | 1 | 5% | 2 | 6% |
| Withdrawn | - | - | 2 | 6% |
| Total | 19 | 100% | 36 | 100% |

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.

High Risk Complaints

There were no High Risk complaint this year.

Appendix 3: Time Limit

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.

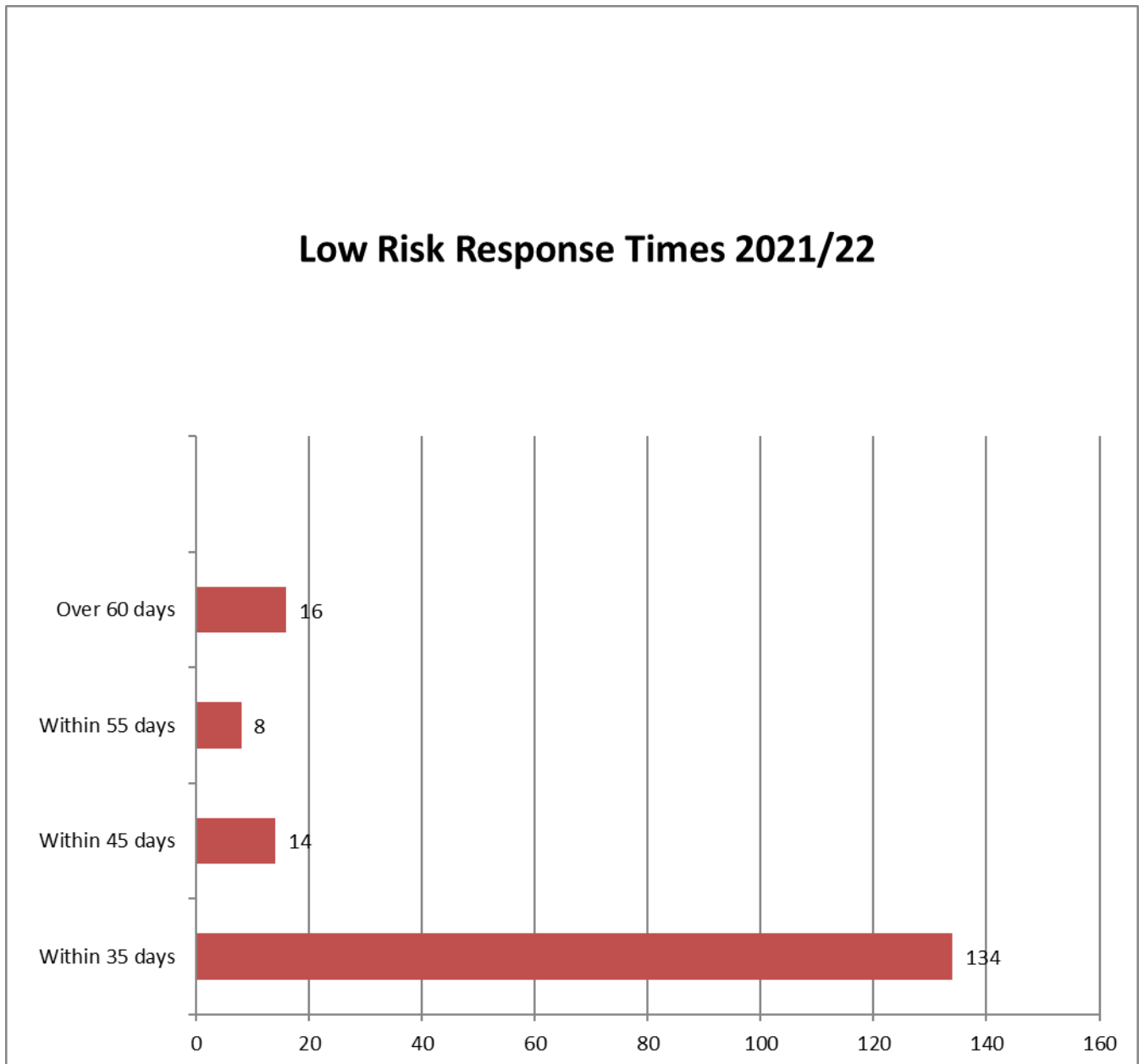
Overdue complaints are those not completed within the default timescale, or that have gone beyond the agreed timescale with the complainant.

Low Risk Timescale

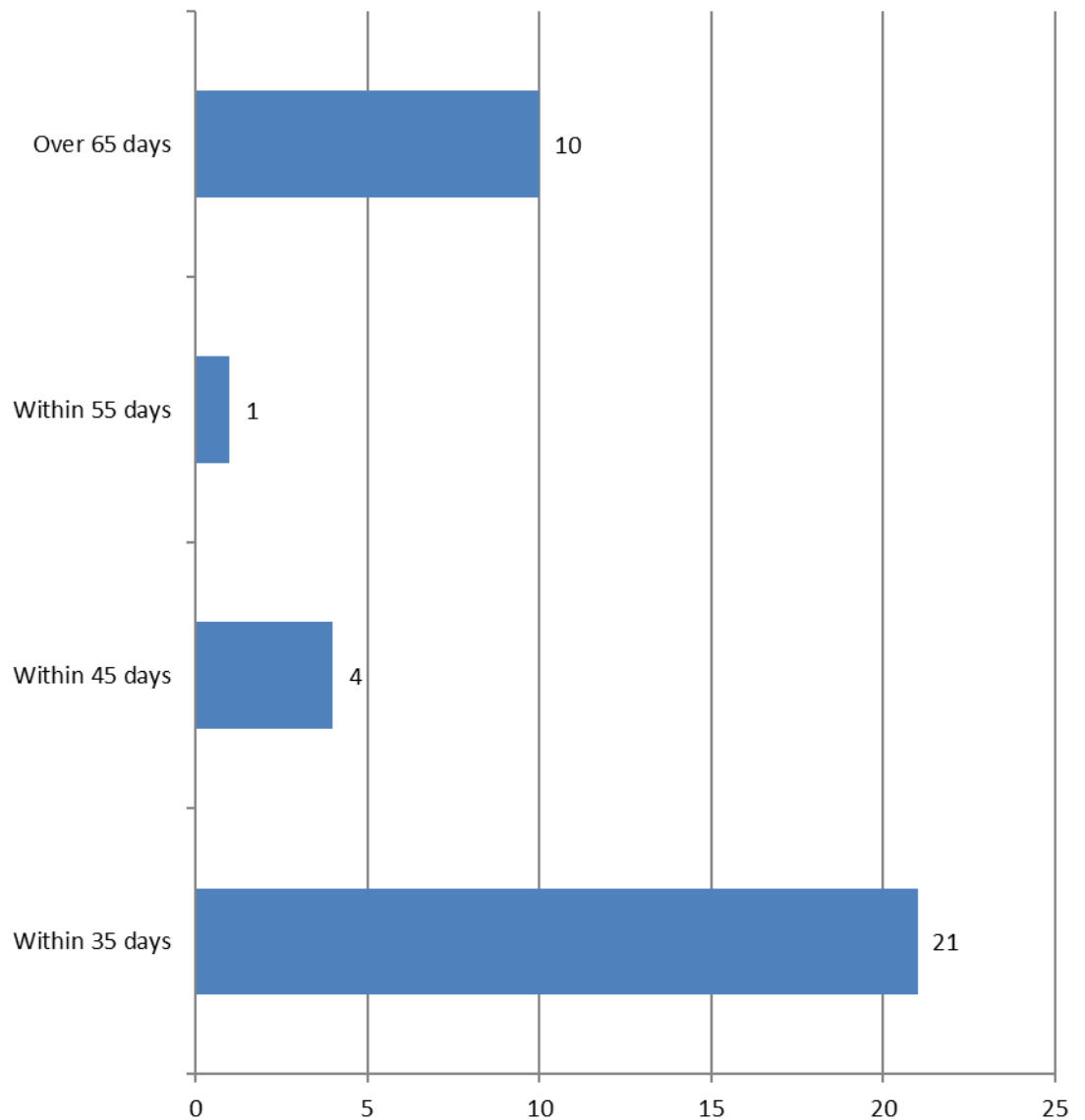
Of the Low-Risk complaints, the majority were responded to within timescale.

Moderate Risk Timescales

Of the Moderate Risk complaints responded to within the year just over a quarter were responded to within timescales. As moderate risk complaints are generally more complex, it is not unusual for them to extend beyond the 35 working days, and complainants are generally kept updated as to progress. There were a few however, which were considerably overdue.



Moderate Risk Response Times 2021/22



All overdue complaints are pursued with the relevant managers. The Consumer Relations Unit issues alerts as a complaint approaches timescale, and then thereafter, until it is responded to.

Appendix 4: Compliments and Comments

The process also reports on Comments and Compliments received by Adult Social Care.

Comments

There were 26 comments received this year.

Service Area about which compliments were received

| | 2020/21 | 2021/22 |
|------------------|---------|---------|
| Central Services | 15 | 10 |
| Commissioning | - | 1 |

| | 2020/21 | 2021/22 |
|---------------------------------------|----------------|----------------|
| Mental Health & Learning Disabilities | 11 | 39 |
| Operations & Intergration | 133 | 68 |
| Provider Services | 93 | 92 |
| Quality, Safeguarding, DOLS & Prisons | 1 | 3 |
| Urgent Care | 14 | 9 |
| Total | 267 | 222 |

The majority of compliments are regarding exemplary assistance from staff, and the standard of service provided. There has been a decrease of 17% from 2020/21.

Compliments are logged and the members of staff involved congratulated on their good practice. Statistics regarding compliments are also supplied in a quarterly report to DMT and SMT, thus ensuring that the service is not only learning from complaints, but also learning from compliments.

A compliment logged under this process must be more than a thank you and should demonstrate exceptional service. Some compliments received therefore, although always shared with the individual worker are not logged under this process.

In addition to the compliments logged under this process there have also been

Examples of compliments received

From a service user about a Social Worker:

“I have to acknowledge the allocated SW’s commitment and engagement with the process, providing information and responding to requests for action. This has really supported the complex abuse investigation.

From a relative of a service user about a Social Worker:

“Thank you for all you have done for Mum and Dad in the time you have been their social worker. I have found you to be fantastically supportive, reactive, and effective in all our dealings. Everything would have been so much harder without your involvement. “

From a service user about a Social Worker:

“Thank you for everything you have managed to get done. You have been exceptional in your kindness. It has been much appreciated.”

From a relative of a service user about a Social Worker:

“From the minute you became Mom’s caseworker you went over and above to make sure everything was done in a timely manner. Nothing was too much trouble, you never made me feel as if I was a nuisance. You explained everything and put me at ease. Your actions mean more than I or my family can say, thank you.”

From a service user about a Social Worker:

“Thank you’ for everything you did. At a really difficult time you showed real compassion and I felt you were doing everything you could to turn a horrid situation into a really positive one. The time you turned it all around was incredible and the relief we both felt can’t really be explained. I know the restraints you are all under and that’s why it is so important to tell you what a great job you did for us. You never rushed me and listened, that goes a long way these days. Thank you so much again and even when you are having a rubbish day just know you are fab at what you do.” (by e-mail).

From a relative of a service user about a Social Worker:

“Thanks for listening and supporting me as a daughter regarding her mom in a care home and the DOLS assessment. It was so lovely to speak to you and so insightful in so many ways! I really appreciate you taking so much time to listen at what has been and continues to be a very stressful time for me. “(by email)

From a relative of a service user about a Social Worker:

“I just wanted to thank you for dealing with us in a sensitive way during the illness and keeping us very well-informed about his care situation.”