

Adult Social Care Annual Complaints Report

April 2014 – March 2015

**London Borough of Bexley
Adult Social Care**

Annual Complaints Report – 2014/2015

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1. Introduction

This report provides information on complaints for London Borough of Bexley Adult Social Care services for the period 1 April 2014 to 31 March 2015, dealt with through either the Statutory Social Care Complaints Procedure or the Corporate Complaints Procedure.

The complaints process provides the Council with an additional means of monitoring performance and improving service quality and provides an important opportunity to learn from complaints made by service users.

We have an established IT system in place to capture a range of complaints information including the nature of the complaint, the action taken, the outcome of each complaint and whether there was compliance with the time periods specified in the regulations.

By publishing the annual complaints report, the Council demonstrates its commitment to transparency and a positive approach to dealing with and learning from complaints.

1.1 Key facts

- We believe that dealing effectively with complaints is essential to providing good services and we use feedback from complaints to improve our services.
- In 2014-15, we received 58 Stage 1 complaints about Adult Social Care Services.
- Of the 58 complaints received during the year, seven cases were referred to the Local Government Ombudsman for resolution.

1.2 Background

Adult Social Care is required, under statutory regulations, to prepare an annual report for the preceding year, from April to March, on its performance in dealing with complaints including the numbers received and how many were upheld.

Adult Social Care is required to operate a prescribed statutory complaints procedure in accordance with the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 and the Local Authority Social Services Complaints (Amendment) Regulations 2009 (hereafter referred to as 'the Regulations'). Any complaint which does not fall under these provisions will be considered under the Council's Corporate Complaints Procedure.

2. Adult Social Care Complaints Procedure

The new regulations as of 1st April 2009 introduced a two-stage process for Adult Social Care.

- **The first stage is a combination of processes working towards Local Resolution**
- **The second stage is the Local Government Ombudsman.**

2.1 First stage - Local Resolution

The service area which the complaint relates to will ensure all aspects of the complaint are understood as well as the resolution the complainant is seeking. If the matter is complex, a face to face meeting may be held with the complainant. The Council aims to respond to all Adult Social Care statutory complaints within 30 working days.

2.2 Second stage - Local Government Ombudsman

The Local Government Ombudsman (LGO) is the independent organisation authorised to investigate complaints where the Council's own investigation and response has not resolved the issues to the complainant's satisfaction.

The person making the complaint retains the right to approach the Local Government Ombudsman at any time. However, the Local Government Ombudsman's policy is that the local authority should be given the opportunity to consider the complaint first and it will normally refer the complaint back to the Council to investigate unless exceptional circumstances apply.

3. Complaints received

The table below shows the total number of new complaints recorded in Adult Social Care from 1 April 2014 to 31 March 2015.

Table 1 - Complaints received for Adult Social Care					
Total	Stage 1 - Local resolution	Stage 2 - Investigation	Stage 3	Ombudsman	Total
Statutory complaints	46	N/A	N/A	7	53
Corporate complaints	12	1	1	0	14
Total	58	1	1	7	67

Sourced by iCasework

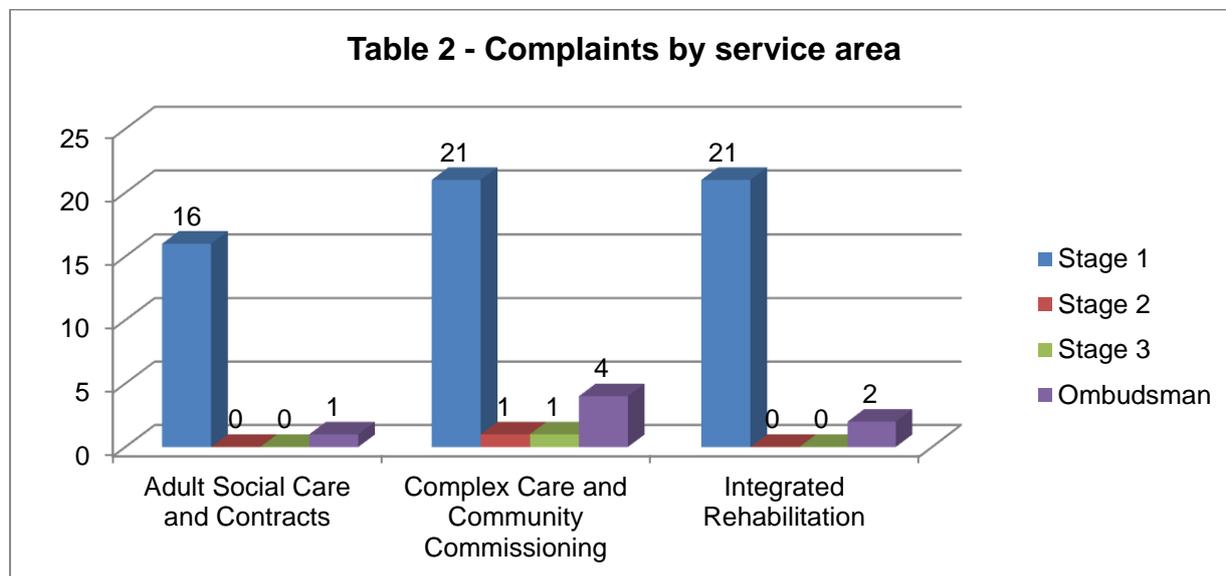
The number of complaints received has increased in 2014/15, compared to 2013/14 during which we received 48 Stage 1 and 5 Ombudsman complaints.

We have been advised by the Ombudsman that they received a total of 13 cases, six of which we have not been informed of the outcome and therefore cannot report on; however Bexley has the lowest number of complaints referred to the Ombudsman by comparison with our neighbouring local authorities.

Adult Social Care Complaints referred to the Ombudsman			
Bexley	Bromley	Greenwich	Lewisham
13	28	14	19

3.1 Complaints by Service Area

The table below shows the service area that the complaint related to within Adult Social Care from 1 April 2014 to 31 March 2015.

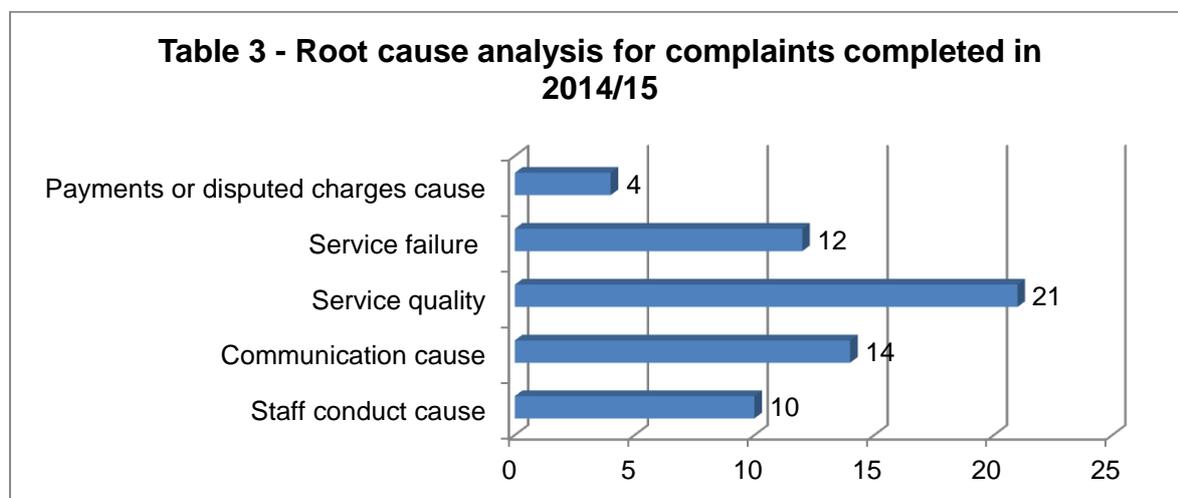


Sourced by iCasework

The 58 Stage 1 complaints are quite evenly spread across the service areas with Adult Social Care and Contracts receiving 16 Stage 1 complaints, Complex Care and Community Commissioning receiving 21 complaints and Integrated Rehabilitation also receiving 21 complaints.

3.2 Causes of complaints

The table below shows the root causes of the complaints within Adult Social Care from 1 April 2014 to 31 March 2015. *(Please note that the data below does not match the data in table 1 as it relates to complaints "closed" in 2014/15 and not complaints "received").*



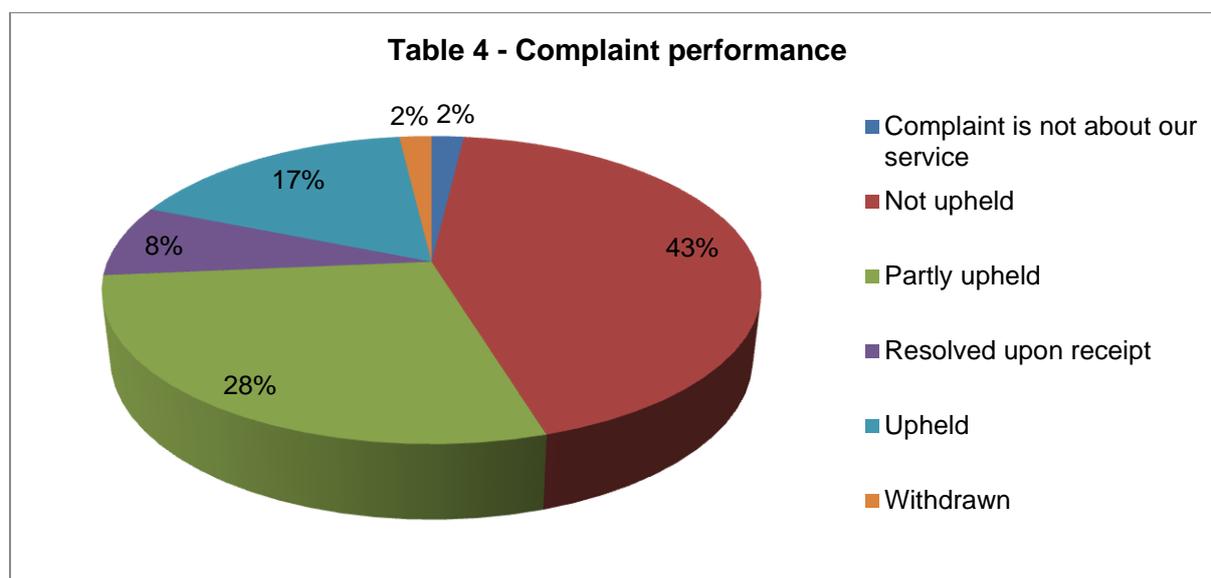
Sourced by iCasework

The figures above show that the highest numbers of complaints were attributed to 'service quality' issues. Overall, 21 of the 61 complaints were due to quality issues. Service Quality causes include "product or service knowledge"; "poor record keeping"; "not to the quality or standard expected"; and "incorrect information or advice given".

Service failure causes include cancellation or withdrawal of service, failure to deliver a service and loss of service.

3.3 Complaint performance

The table below shows the number of Adult Social Care complaints submitted from 1 April 2014 to 31 March 2015 that were upheld, partially upheld and not upheld.



Sourced by iCasework

At Stage 1, 23 complaints were not upheld, 15 were partly upheld and nine were upheld. Four complaints were resolved upon receipt and one complaint was withdrawn.

One corporate complaint progressed to Stage 2 but this was not upheld.

The same complaint progressed to Stage 3, but again was not upheld.

3.4 Improving - Learning from complaints

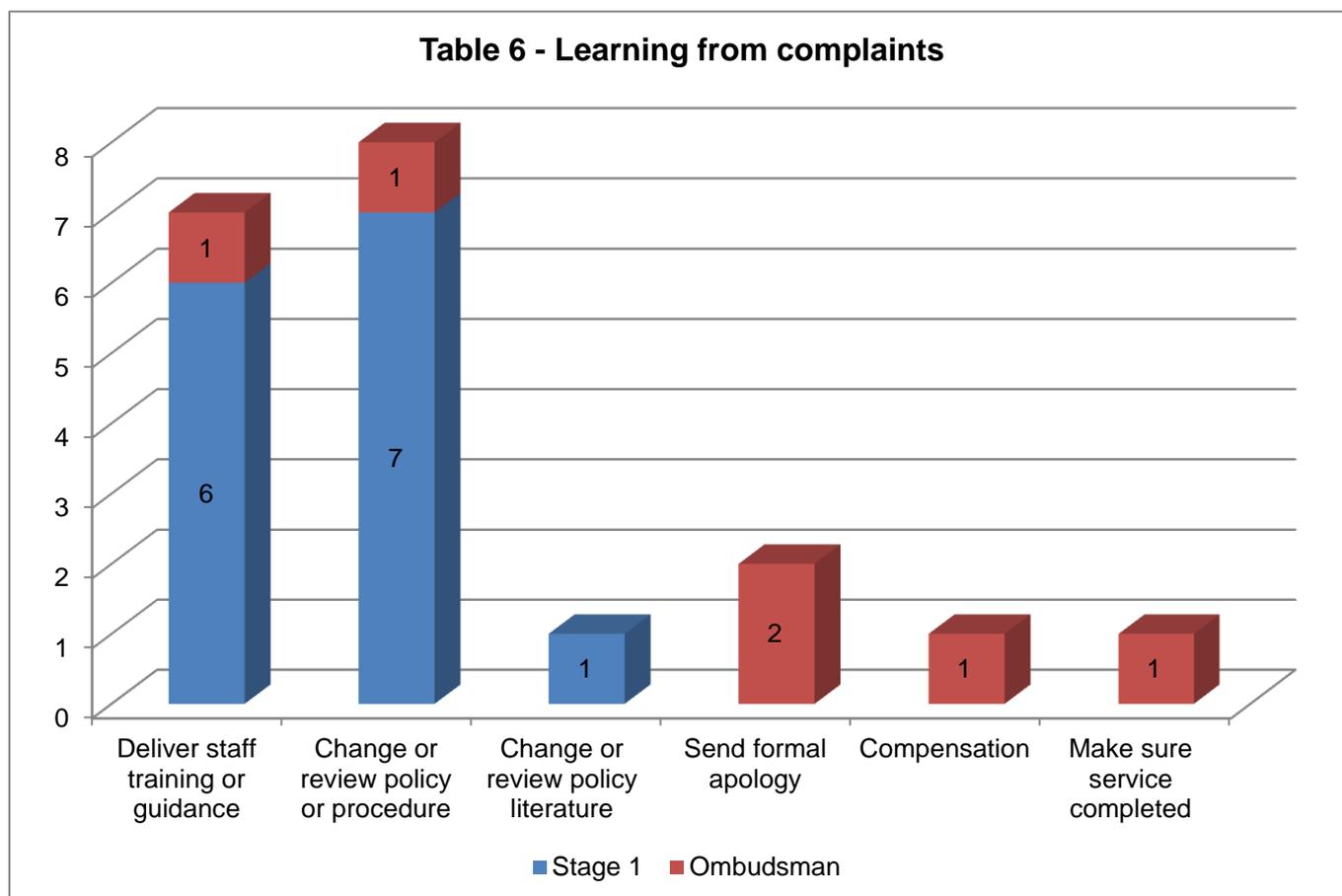
Complaints provide a vital source of insights about people's experiences of Social Care Services, and how those services can improve.

The complaints process enables us to identify service problems and make improvements to the service we work in. It also helps us improve staff learning and enhance professional development.

The service area has identified the following lessons to be learnt from complaints received throughout the year and are proposing the following changes for the future.

1. Training undertaken across the organisation to ensure care needs are correctly identified at first point of contact.
2. Relevant staff members to gain a clear understanding of the different roles within Adult Social Care and to ensure customers are referred to the correct team at the first point of contact.
3. The Council will review when it is appropriate for clients to be referred to the Rapid Response Team and when they should be seen by CART.
4. Better communication between teams within Adult Social Care This is to include the need for the teams to contact each other and agree a joint way forward if they receive a referral they believe should be for another team.
5. Training to be provided to staff in relation to communication/interpersonal skills. This is to include keeping the customer informed of any changes and giving clear explanations for the changes.
6. Training to be provided to social workers of the standards expected when completing the annual review of the care plan and assessments.
7. Policy to be reviewed to ensure that no unnecessary delays occur when social workers are allocated a case and if delays do occur, that the customer is informed at the earliest opportunity and an explanation given.
8. The Council to prepare new decision letters for people with learning disabilities. And a procedure is to be put into place to ensure social workers provide support to people with learning difficulties to help them understand important decision letters.

The table below shows the corrective actions that arose from the complaints that were made from 1 April 2014 to 31 March 2015 within Adult Social Care.



Sourced by iCasework

3.5 Ombudsman’s enquiries and complaints

This year, we received a total of seven Ombudsman complaints for Adult Social Care. Four of the complaints related to Complex Care and Community Commissioning, two related to Integrated Rehabilitation and one complaint was for Adult Social Care and Contracts.

We have been advised by the Ombudsman that they received a total of 13 complaints or enquiries, six of which we have not been informed of the outcome and we therefore cannot report on.

Bexley has the lowest number of complaints referred to the Ombudsman by comparison with our neighbouring local authorities. Bromley had 28 complaints referred to the Ombudsman, Lewisham had 19 and Greenwich had 14.

Out of the seven complaints recorded, the Ombudsman’s decision was that maladministration was found in four cases and in two of these cases, injustice was also found. The Ombudsman made a decision of not upheld, no maladministration for one case. At the time of writing this report, two cases were still open and awaiting a final decision from the Ombudsman.

1 & 2) On the first two cases, in which maladministration and injustice were found, the Ombudsman found fault due to the unprofessional attitude of a social worker during their assessment of a service user’s needs. The letter to the service user confirming the decision of their support hours being reduced was also confusing and not appropriate for someone

with a learning difficulty. It was agreed that a remedy could be achieved by the Council addressing the social worker's attitude as part of their training and development needs, and that a formal apology was sent to both parties. (The service user and her father, who had also made a complaint to the Ombudsman regarding the same core issue).

3) On the third case, in which maladministration but no injustice was found, the Ombudsman found fault due to the Council's lack of contact with the complainant and her family from her father's social worker during her father's stay in hospital. This caused the complainant time, trouble and frustration. It was agreed that a remedy could be achieved by the Council paying compensation.

4) On the fourth case, in which maladministration but no injustice was found, the Ombudsman found fault as the Council did not carry out a community care assessment when it was supposed to. This did not cause any injustice to the complainant's father and therefore no injustice was found. The Council confirmed it is taking action to ensure the father's needs are met in line with the Care Act 2014 and the Ombudsman confirmed that they were happy with this remedy.

5) On the fifth case the Ombudsman did not uphold the complaint as they found no maladministration and decided that there was no fault in the way the Council investigated a decision by a residential care home that it could no longer meet the complainants mothers needs and the way it communicated this decision to the complainant.

6 & 7) Complaint numbers six and seven are still being investigated by the Ombudsman and the outcomes will be reported in next year's Adults annual complaint report.

Table 7 - Complaints via Local Government Ombudsman (LGO)		
LGO	Number of decisions	Outcome
Complaints	5	2 x maladministration, no injustice 2 x maladministration and injustice 1 x not upheld, no maladministration
Total	5	

Sourced by iCasework

3.6 Next Steps

We will continue to monitor progress with the improvements identified from the 2014/15 complaints analysis, and to ensure these are linked into the Council's Improvement Plan for Adults Services.

We will also compare these findings with those of other authorities (particularly neighbour authorities) to benchmark performance and further inform our improvement programme.