

# **Adult Social Care Annual Complaints Report**

**April 2016 – March 2017**

**London Borough of Bexley  
Adult Social Care**

**Annual Complaints Report – 2016/2017**

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## **I. Introduction**

This report provides information on complaints for London Borough of Bexley Adult social care services for the period 1 April 2016 to 31 March 2017, dealt with through either the statutory social care complaints procedure or the corporate complaints procedure.

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

We have an 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.

### **I.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 2016-17, we received 78 Stage 1 complaints about Adult social care services.
- Of the 78 complaints received during the year, eight cases were subsequently referred to the Local Government Ombudsman for resolution.

### **I.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. Any complaint which does not fall under these provisions will be considered under the Council's corporate complaints procedure, as appropriate.

## **2. Adult Social Care Complaints Procedure**

The new regulations as of 1<sup>st</sup> April 2009 introduced a one-stage process for Adult social care statutory complaints.

- At Stage 1, the Adult social care service area that was responsible for service delivery will investigate and respond to the complainant.
- The next stage is for the Local Government Ombudsman to investigate, if the complainant wishes to progress their complaint.

## 2.1 First stage

This stage provides the opportunity for the service area that has responsibility for the case, to try and resolve issues of dissatisfaction at a local level as early as possible. The complaint is investigated by the relevant Head of Service or Service Manager. The timescale for resolving complaints at Stage 1 is 30 working days. In 2017/18 this timescale will be reduced to 15 working days, however the service area will have an extended period to send a further, more detailed, response if the case is complex.

## 2.2 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 have had 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 2016 to 31 March 2017.

<b>Table 1 - Complaints received for Adult Social Care</b>					
<b>Total</b>	<b>Stage 1 - Local resolution</b>	<b>Stage 2 - Investigation</b>	<b>Stage 3</b>	<b>Ombudsman</b>	<b>Total</b>
<b>Statutory complaints</b>	44	n/a	n/a	3	47
<b>Corporate complaints</b>	34	4	1	5	44
<b>Total</b>	<b>78</b>	<b>4</b>	<b>1</b>	<b>8</b>	<b>91</b>

Sourced by iCasework

The overall number of complaints received has slightly reduced in 2016/17 from 93 in 2015/16 to 91 in 2016/17.

In 2015/16 we received 83 Stage 1 complaints, compared to 78 in 2016/17. The number of Stage 2 complaints has remained the same at four received in both years. The number of Stage 3 complaints has reduced from three complaints received in 2015/16 to one this year.

However, the number of Ombudsman complaints has increased from three received in the previous year to eight in 2016/17.

Seven complaints related to Complex Care and Community Commissioning and one related to Safeguarding Adults.

Out of the eight complaints referred to the Ombudsman, they found four cases of maladministration and injustice and they decided not to investigate the four other complaints.

**Adult Social Care Complaints received by the Local Government Ombudsman**

Bexley	Bromley	Lewisham	Greenwich	Southwark
17	37	16	14	13

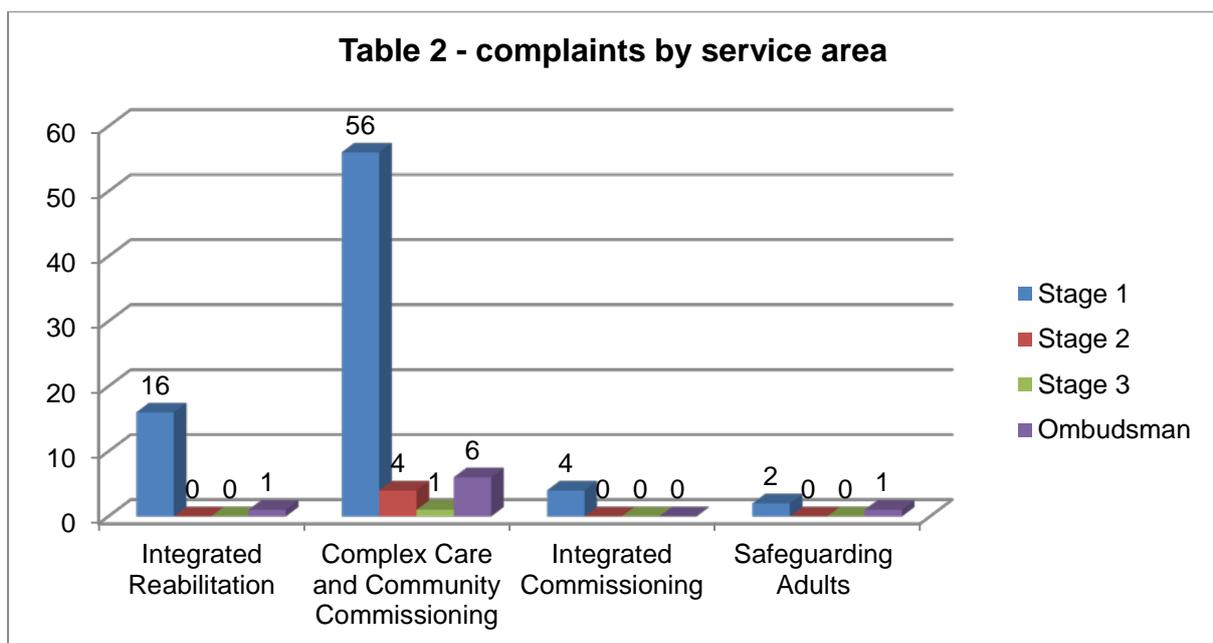
Sourced by the LGO

In total the Ombudsman has advised that they received 17 complaints in this financial year, nine of which we have not been informed of the outcome and we therefore they are not included in this report. This is because the Ombudsman is still investigating them and we will report the on the outcome in next year's Adults annual complaint report. Further details of the eight cases the Ombudsman has investigated and produced an outcome are in Section 3.5.

Although Bexley has the second highest number of complaints referred to the Ombudsman by comparison with our neighbouring local authorities, the number received by the Ombudsman was still very low compared with most other local authorities in London. Bromley had 37 complaints referred to the Ombudsman, Lewisham had 16, Greenwich had 14 and Southwark had 13.

### 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 2016 to 31 March 2017.

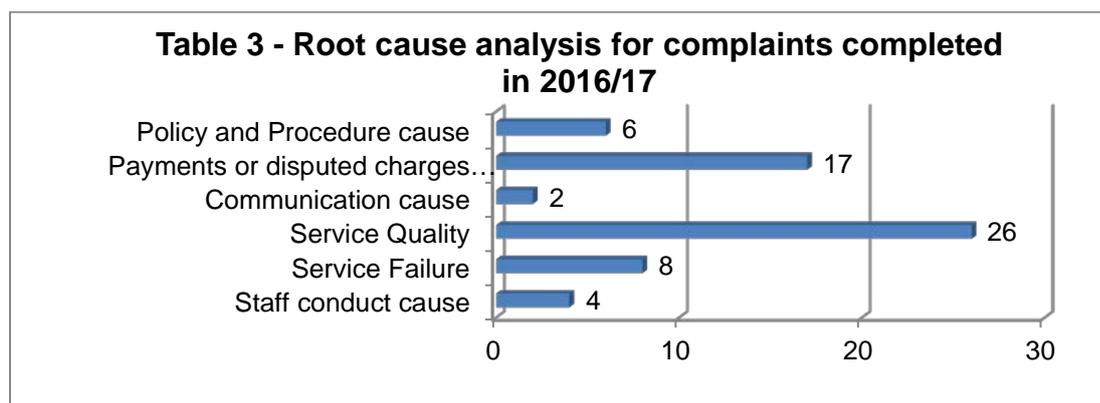


Sourced by iCasework

Complex Care and Community Commissioning received the highest number of complaints, with 56 Stage 1 complaints received during the year. However, because this service area manages the provision of homecare the majority of our long-term service users use the service and therefore we would expect to receive the highest number of complaints about it.

### 3.2 Causes of complaints

The table below shows the root causes of the complaints within Adult social care from 1 April 2016 to 31 March 2017. (Please note that the data below does not match the data in table 1 as it relates to complaints “closed” in 2016/17 and not complaints “received”).

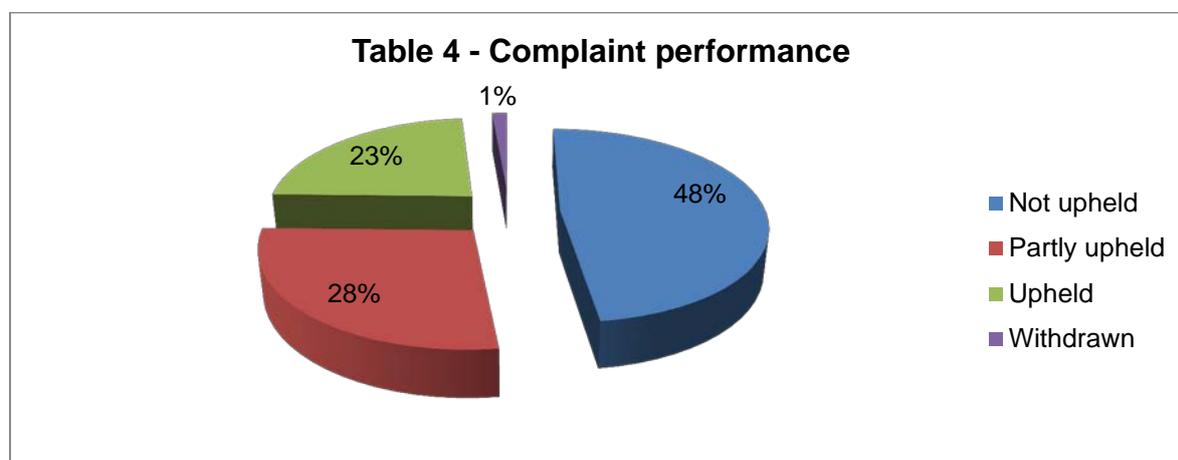


Sourced by iCasework

The figures above show that the highest numbers of complaints were attributed to ‘service quality’ issues that being 26 of the 63 complaints received. Service Quality causes include allegations of “product or service knowledge”; “poor record keeping”; “not to the quality or standard expected”; and “incorrect information or advice given”. 17 complaints related to payments or disputed charges causes. Further details of the learning from complaints that Bexley has implemented can be found in Section 3.4.

### 3.3 Complaint performance

The table below shows the total number of Adult social care complaints submitted from 1 April 2016 to 31 March 2017 that were upheld, partially upheld and not upheld.



Sourced by iCasework

At Stage 1, 31 complaints were not upheld, 18 were partly upheld and 16 were upheld. One complaint was withdrawn as it was not for this organisation.

Four corporate complaints progressed to Stage 2. Of these, two were not upheld and two were partly upheld.

Three corporate complaints progressed to Stage 3, all of which were not upheld.

Please note that the figures above show the outcomes of complaints “closed” in 2016/17, and will not directly relate to all complaints “received” in the same period.

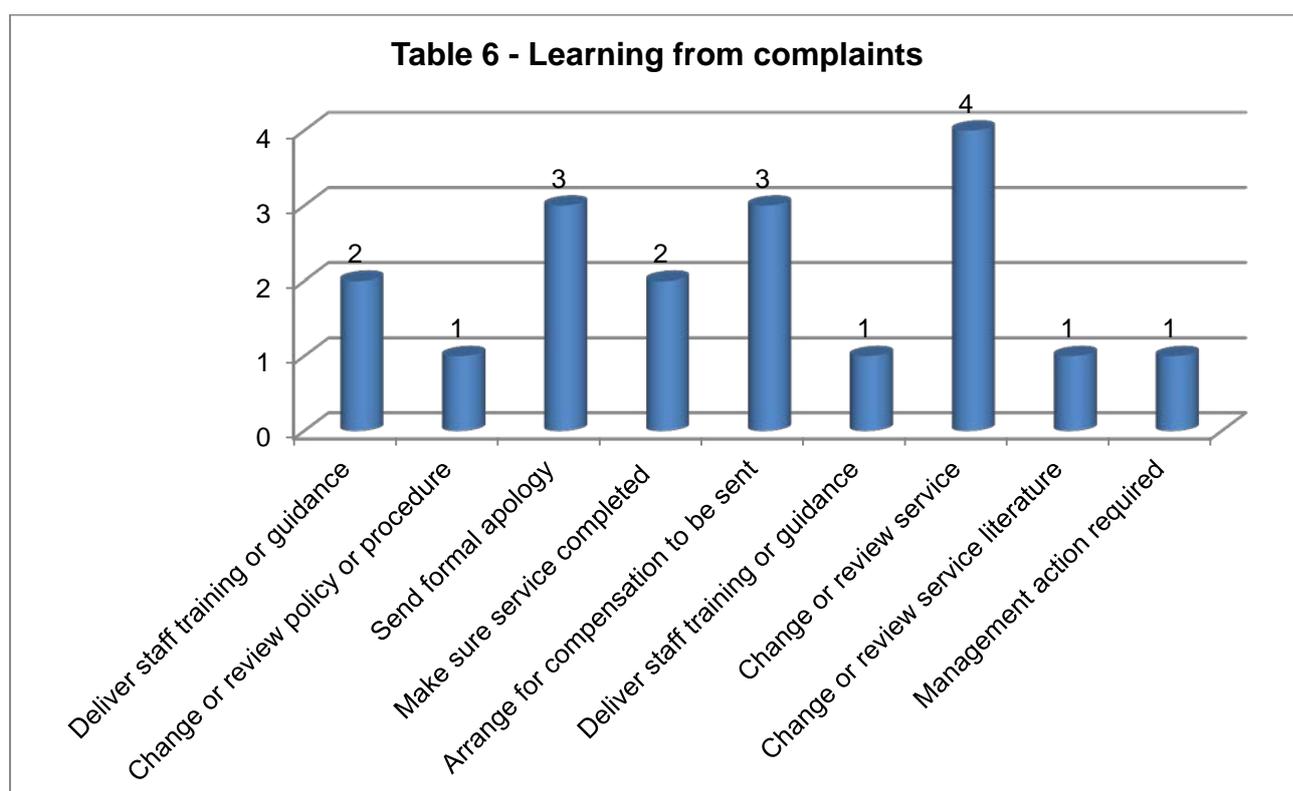
### 3.4 Complaint learning

Complaints provide a vital source of insights about people’s experiences of social care services, and how those services can continue to improve. The complaints process enables us to identify problems and make improvements to our service areas. It also helps us improve staff learning and enhance professional development.

Through our handling of complaints, we have identified the following learning points and are making the following changes to our processes and procedures:

1. More accurate record keeping so that assessments and decisions are documented clearly and can be easily explained when challenged.
2. Communication to be improved with service users and families throughout their involvement with Adult Social Care. This is to include keeping the service user up to date at all times of any changes and informing them of the waiting times for any assessments.
3. Quality of service to be improved across the organisation and in particular, with our domiciliary care.
4. Better responses to complaints to ensure they address all the issues raised by the service users to improve user satisfaction.

The table below shows the corrective actions that arose from the complaints that were made from 1 April 2016 to 31 March 2017 within Adult social care.



Sourced by iCasework

### 3.5 Learning from the Ombudsman

This year, we received a total of eight Ombudsman complaints for Adult social care. Seven complaints related to Complex Care and Community Commissioning and one related to Safeguarding Adults.

Out of the eight complaints recorded, the Ombudsman determined that the Council was guilty of maladministration and injustice in four cases. A further four complaints were not investigated by the Ombudsman.

- 1) In the first case, in which maladministration and injustice was found, the Ombudsman found fault due to the Council's commissioned care provider not carrying out all the tasks within the care plan. This was seen as a service failure. The Council has now reviewed the care provider's procedures and provided staff training to prevent any re-occurrence of the failings identified.
- 2) In the second case, in which maladministration and injustice was found, there was fault by the Council in the way it dealt with care provision for a severely disabled woman with significant care needs. The Council has now ensured it has an up-to-date care plan in place, which properly reflects the service user's needs and how those needs are to be met.
- 3) In the third case, in which maladministration and injustice was found, there was fault in the way the Council considered a resident's application for a freedom pass. This meant that the customer could not be certain that the Council had properly considered their application. The Council has now reviewed the application and ensured that the customer was written to with detailed information with regards to the Council's decision.
- 4) In the fourth case, in which maladministration and injustice was found, there was fault in the way the Council dealt with issues a service user raised about the service a council care agency was providing. The Council agreed to review how it responds to complaints about care providers that it has commissioned care from to ensure it addresses relevant issues that service users raise and provides a more thorough response.
- 5) Four complaints were not investigated by the Ombudsman.

Details of these four cases are as follows:

- a) The Ombudsman will not investigate this complaint about the way the Council attempted to carry out an 'assessment' of the complainant's relative. This is because he is unlikely to be able to add to the Council's investigation and it is unlikely further investigation will lead to a different outcome.
- b) There appears to have been no fault in the Council's decision to not renew disabled persons Blue Badge. The Council has assessed them in line with the guidelines issued by the Department for Transport. The Council has taken their particular circumstances into consideration before refusing their application.
- c) The Ombudsman will not investigate this complaint because there appears to have been no fault in the Council's decision to not re-issue a disabled person's Blue Badge. The Council has assessed them in line with the guidelines issued by the Department for Transport. The Council has taken their particular circumstances into consideration before refusing their application.
- d) The Ombudsman will not investigate this complaint about an application for a Blue Badge because it is unlikely he would find fault by the Council.

Table 7 - Complaints via Local Government Ombudsman (LGO)

LGO	Number of decisions	Outcome
Complaints	8	4 x maladministration and injustice 4 x not investigated
<b>Total</b>	<b>8</b>	

Sourced by iCasework

### 3.6 Work priorities for 2017/18

During the year 2017/18 the Complaints Team will focus on:

- Continue to work with Adult social care managers to ensure they understand the statutory and corporate complaints procedures and the support and guidance available to them from the Complaints Team. This is particularly important this year as we have several new managers that have joined Bexley Council and it is important that the quality of the Stage 1 responses is maintained to a high standard.
- Continue to ensure the complaints procedure is easily accessible, particularly to the elderly and adults with disabilities. This work will include reviewing Bexley Council's complaints literature and online web pages to ensure the information provided is up to date.
- Continue to monitor any corrective actions that have arisen from complaints and ensure they are completed in a timely manner. Also to ensure any "learning from complaints" are disseminated across the service area and evidence of learning is comprehensively recorded.
- Continue to work closely with the Local Government Ombudsman. This work will include ensuring that any Ombudsman enquiries are responded to within the timescales given. All recommendations are to be actioned promptly and any learning from the Ombudsman complaints to be disseminated across the service area.
- The complaints manager to continue attending the London Complaints Managers Group. This is a regular meeting, at which Complaint Managers discuss and learn about regional and national issues. This provides opportunities to develop local practice standards; discuss performance and resolve difficult issues. The group also discusses proposed changes to legislation and procedures, and prepares consultation responses where appropriate.

*Please note that if there is anything in this report which requires further clarification please contact the complaints team at [Complaints@bexley.gov.uk](mailto:Complaints@bexley.gov.uk)*