

**Adult Social Care Statutory Representations and Complaints
Procedure
Annual Report
2022-2023**

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 2022 to 31 March 2023.

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 233 in 2021/22 to 250 in 2022/23. This is an increase of 7%. However, during 2022/23 there was a 4% increase in the number of people making a contact with Adult Social care compared to the previous year.

There were 8 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 30 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:

- 15 complaints were received, and 16 were determined.
- Of the determined, 4 were upheld, and were found maladministration with injustice. 5 were closed after initial inquiries with no further action, 1 was upheld no further action, 1 was Report Issued Upheld with Maladministration and Injustice, 4 were closed after initial enquiries, Out of Jurisdiction and 1 was deemed a premature referral to the Ombudsman.
- The 5 upheld decisions and fault found, 4 were complainants who were dissatisfied with the response they had received to their formal complaint from Worcestershire County Council and 1 was dissatisfied as a result of a local resolution.

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. This is because a snapshot is taken at a point in time therefore dependent on the stage of a complaint at that point both sets of figures may never match.

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 and internally commissioned care providers. 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. 65% of complaints received in 2022/23 (as compared to 58% in 2021/22) were related to standard of service and reflect an increase of 7%. 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 is 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
Complaint regarding care being provided	<p>In house provider managers addressed the issues with their front-line staff.</p> <p>A communication strategy was agreed with a new provider.</p> <p>Council continues its Quality Assurance Work with Provider through developing and monitoring the action plan in place.</p>
Service failed to provide a visit when required	<p>Additional training for staff that monitor the alerts to ensure they are actioning anything straight away. Explore the possibility of a report being generated to the management team to ensure that there is good oversight of this.</p> <p>Ensure we communicate with relatives to ensure any changes to calls that cannot be avoided.</p> <p>Ensure that missed calls are communicated to the families to enable them to support where appropriate.</p>
Concerns about ageism throughout the services, and poor treatment for those over a certain age. Negligent behaviours presented by all involved in the transition through the care process.	<p>Review of the information pack that is leave with people to ensure that it includes information regarding our processes and the levels of service that can be expected.</p> <p>Feedback will be given to the Social Worker and any learning shared with the wider team.</p> <p>All staff reminded of the need for a robust consideration of Mental Capacity in relation to decisions which may cause a person to be restricted.</p> <p>Shared response with our partners in Worcestershire Acute Hospitals NHS Trust in order that there is wider learning.</p>

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 £6,378.81.

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 6 complaints this year supported by an advocate. This service can help you understand the care and support process.

Help you challenge decisions about your care and support if you do not agree.

Support you to make a complaint about social care.

3.9 Compliments and Comments

3.9.1 There were 237 compliments received this year.

122 were received via e-mail, 23 in person, 14 by leaflet, 16 by letter, 57 by telephone and 5 via the Council's website.

3.9.2 The majority of compliments are regarding exemplary assistance from staff, and the standard of service provided. There has been an increase of 7% from 2021/22.

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 844096
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 844096.

Appendix 1

Formal Complaints Process

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

Numbers of Adult Service complaints received.

Level	2021-22	2022-23
Low Risk	190	203
Moderate /High Risk	43	47
Informal	14	14
LGO	13	15
Total	260	279

Complaints by Service Area

Service Area	2021 -22	% Share 21-22	2022-23	% Share 22-23
Central Services	57	20%	61	21%
Commissioning	7	2%	3	1%
Learning Disabilities	17	6%	17	6%

Service Area	2021 -22	% Share 21-22	2022-23	% Share 22-23
Mental Health	19	7%	22	8%
Area Social Work Teams	78	27%	79	28%
Provider Services	74	26%	78	27%
Quality, Safeguarding, DOLS & Prisons	17	6%	15	5%
Urgent Care	12	4%	11	4%
YAT	6	2%	-	-
Total	287	100%	286	100%

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

Of the 250 complaints received 67 were by email, 6 were received via leaflet, 38 by letter, 1 via a survey, 40 by telephone and 98 via the Council's website.

The number of complaints received as a percentage of people receiving professional support or services within Adult Social Care as at 31 March 2023.

Team Group	Caseload
Area Teams	1.5%
Learning Disability Teams	1.0%
Mental Health Teams	3.0%
Other Teams	9.1%
Provider Services	16.0%

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:

	2021-22	2022-23
Adult Safeguarding	2	3
Breach of Confidentiality	5	3
Care Plan Assessment	1	-
Changes to call Times	2	1
CHC	1	-
Decision Making	-	3
Delay in Providing Service	2	6
Delay/Failure to Keep Informed	1	1
Direct Payments	8	8
Discrimination	1	-
DOLs	-	2
DPA Process	-	1
Financial	14	2
General lack of Communication	35	38
Health/Personal Care	-	1
Hospital Discharge	-	2
Inaccurate Information	2	8

	2021-22	2022-23
Info from Provider	1	1
Lack of or delay in providing assessment	1	-
Lack of Service	5	3
Late Calls	-	1
Medication	2	1
Mental Capacity Assessment	3	-
Missed Calls	-	1
No return of telephone calls	6	12
Other	1	1
Outcome of Decision/Assessment	5	1
Practice non-compliant with leg/process	2	-
Process dec/Res Alloc	4	3
Provider Mgt Admin	-	1
Purchasing Services	-	1
Staff Attitude/Behaviour	16	7
Staff/Training/Qualifications	1	-
Standard of Service Delivery	176	216
Support Planning	4	4
Unavailability of Staff to take Calls	-	1
Total	301	333

The majority of the nature of complaints is regarding the standard of service delivery. 54 of these related to area social work teams' assessment and 61 related to Provider standards of service.

Break down by Service area.

2022/23	Central Services	Commissioning	Mental Health & Learning	Area Social Work Teams	Provider Services	Quality, Safeguarding, DOLS & Prisons	Urgent Care
Brokerage Process	-	-	-	1	-	-	-
CHC	1	-	-	1	-	-	-
Decision Making	14	2	12	23	6	7	4
Direct Payments	5	-	-	4	-	-	-
Duty Care & Support Planning	-	-	6	14	11	4	2
Externally Commissioned Service	2	-	5	5	26	2	-
Finance & Financial Assessment	28	-	4	12	5	-	-
Lack of Service	-	1	-	1	-	-	-
Mental Capacity Assessment	-	-	1	-	-	-	-
Process	1	1	-	1	1	1	-
Safeguarding process	-	-	-	1	3	5	1
Staff Attitude/Behaviour	1	-	1	3	6	1	-
Standard of Service Delivery	28	-	21	36	47	6	1

2022/23	Central Services	Commissioning	Mental Health & Learning	Area Social Work Teams	Provider Services	Quality, Safeguarding, DOLS & Prisons	Urgent Care
Support Planning	-	-	1	-	1	-	-
Total	80	4	51	99	106	26	8

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	2021-22	% Share 21-22	2022-23	% Share 22-23
Upheld	26	15%	19	19%
Partially Upheld	30	17%	24	24%
Not Upheld	45	26%	39	38%
Re-directed	3	2%	2	2%
Discontinued (includes referred to Safeguarding)	62	36%	17	17%
Withdrawn	6	4%	-	0%
Total	172	100%	101	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	2021-22	% Share 21-22	2021-22	% Share 20-21
Upheld	3	8%	-	0%
Partially Upheld	8	22%	11	44%
Not Upheld	4	11%	7	28%
Discontinued	17	47%	5	20%
Redirected	2	6%	2	8%
Withdrawn	2	6%	-	%
Total	36	100%	25	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 one High Risk complaint this year that was not upheld.

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.

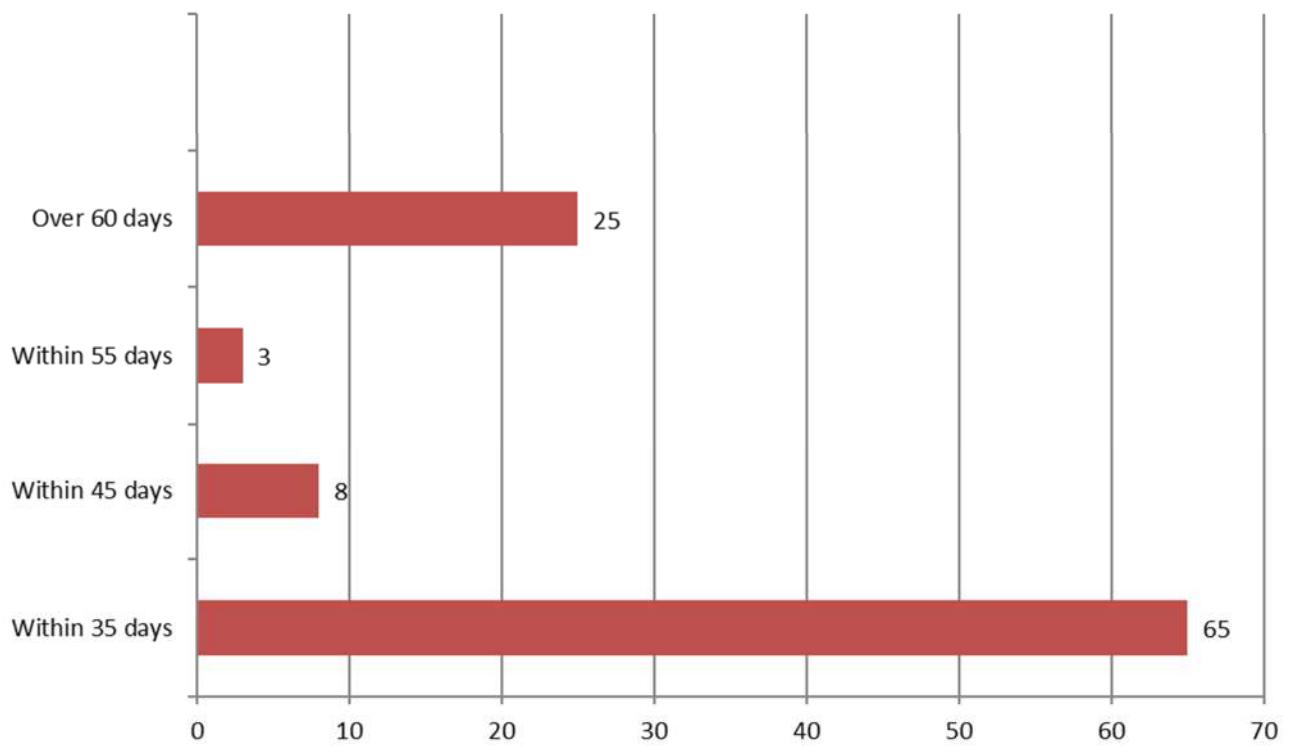
Low Risk Timescale

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

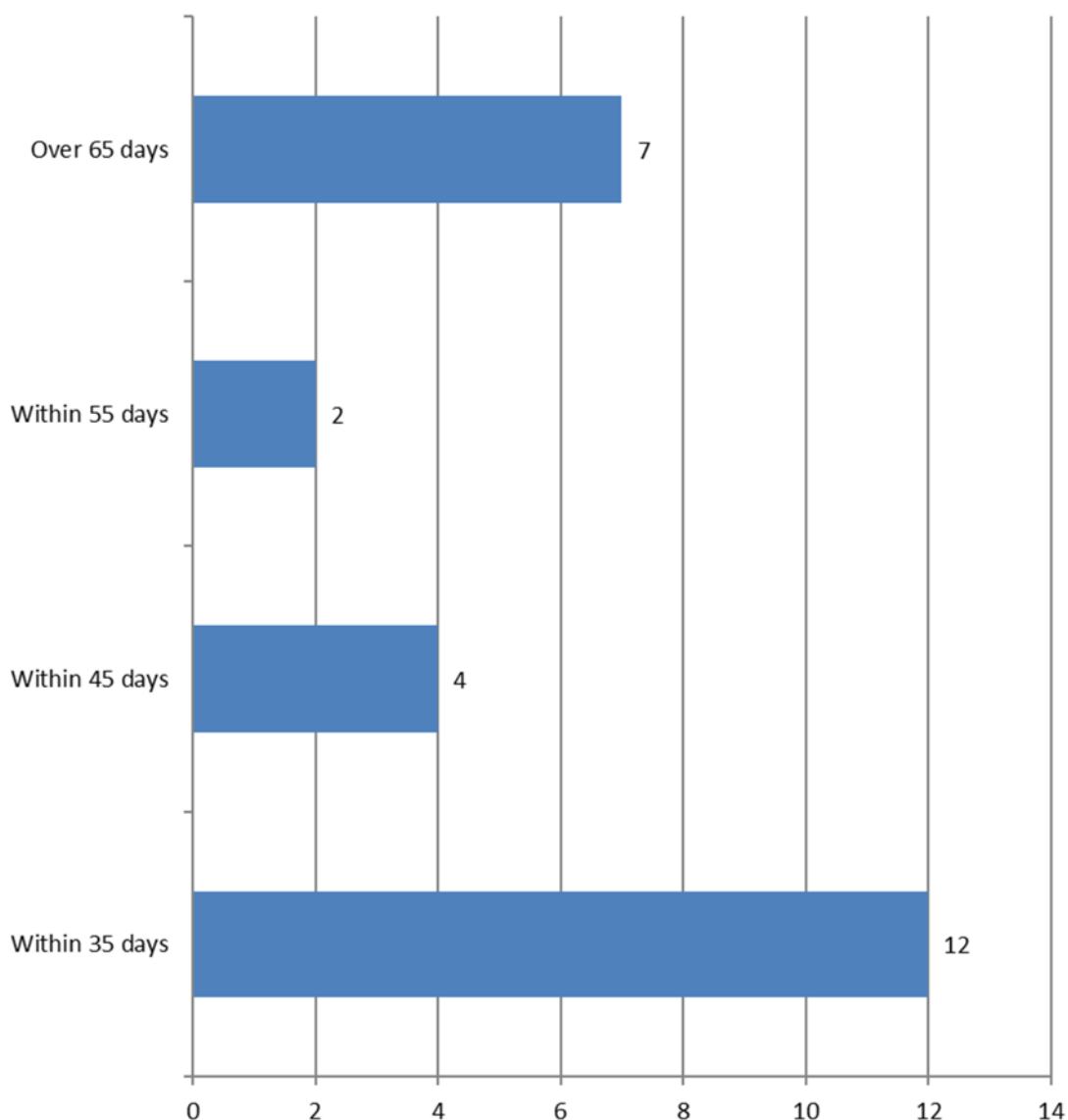
Moderate Risk Timescales

Of the Moderate Risk complaints responded to within the year just under a half 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.

Low Risk Response Times 2022/23



Moderate Risk Response Times 2022/23



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 27 comments received this year. 8 were received via email and 19 via the Council's website.

Service Area about which compliments were received.

	2021/22	2022/23
Central Services	10	10
Commissioning	1	1

	2021/22	2022/23
Mental Health & Learning Disabilities	39	40
Area Teams	68	97
Provider Services	92	63
Quality, Safeguarding, DOLS & Prisons	3	5
Urgent Care	9	21
Total	222	237

Of the 237 compliments received, 122 were received via e-mail, 23 in person, 14 by leaflet, 16 by letter, 57 by telephone and 5 via the Council's website.

The majority of compliments are regarding exemplary assistance from staff, and the standard of service provided. There has been an increase of 7% from 2022/23.

Compliments are logged and the members of staff involved congratulated on their good practice. The Director of the Service is also advised. 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.

Examples of compliments received.

From a service user about a Social Worker:

"Thank you for the wonderful care you have given to my mom."

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

"Thank you for your support you have stood beside me and my mum at a time when I felt very alone. You did not make assumptions or misinterpret my mum's presentation listening carefully to her history and behaviour traits."

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From a service user about a Social Worker:

"Thank you so very much for all your work with us, you have been of enormous support to us all and we have felt you had a great understanding of our situation. You were always ready to help and explain and guide when needed, we have really appreciated that. You have also shown great empathy in our darkest times."

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 It has been a really difficult time, but you showed real compassion and I felt you were doing everything you could to turn a horrid situation into a really positive one.”

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

“Thanks for listening and supporting me you have been fantastic.”

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

“Thank you for the prompt care and attention given to us. At a very busy time for you I am impressed at your friendly service.”