



Adult Social Care Annual Complaints Report

April 2020 - March 2021

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1. Executive Summary

- 1.1 It is a statutory requirement to produce an Annual Report about complaints made by, or on behalf of people who receive support or services from Adult Social Care. This Annual Report also provides a mechanism by which the Council can monitor the quality and effectiveness of services.
- 1.2 This report provides an overview and analysis of all complaints received by the Council's Adult Social Care Complaints Team during the reporting period 1 April 2020 to 31 March 2021; including a summary of identified issues. Comparisons from the previous reporting period, i.e. from 1 April 2019 to 31 March 2020, have been included where available.
- 1.3 The report will be published on the Council's website, and made available to managers and staff, elected members, residents, and inspection bodies.
- 1.4 Under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, it is a statutory requirement to produce an Annual Report which provides information on the quantity of the complaints received and the performance of the complaint's response.
- 1.5 The regulations advise that each complaint will be acknowledged within 3 days and complainants will be informed of the expected timescale at the outset. In all cases complaints should be dealt with expediently however, some complaints of a more complex nature will require more time to investigate and resolve. The maximum amount of time allowed to deal with any complaint is six months. Investigations will be conducted in an impartial, reasonable and proportionate manner. Full regard will be taken of the desired outcomes of the complainant. Where mistakes have been made, we will acknowledge them, apologise, and seek to rectify the situation, by a prompt, appropriate and proportionate remedy.
- 1.6 Complaints should be managed effectively at all stages of the procedure by having clear and straightforward systems in place to capture them. Processes for making a complaint should be readily accessible to all clients, and decisions taken as quickly as possible. Where fault is found, lessons learnt should be recorded and shared with the relevant service area. This will allow for any necessary improvements to be made. We also seek to use our intelligence to work with operational teams to reduce the level of dissatisfaction occurring.
- 1.7 In June 2017, the Council formally integrated some of its Adult Social Care assessment and support planning services with Wirral Community Health and Care NHS Foundation Trust (WCHC). This resulted in some Council staff like Social Workers and Care Navigators moving over to work for WCHC. In August 2018, the second phase of integration took place and the remaining Adult Social Care assessment and support planning services formally transferred to Cheshire and Wirral Partnership NHS Foundation Trust (CWP). Following both stages of integration, complainants now have the option to raise their complaint with either the Council or the relevant NHS Trust. These significant changes have had an impact on the level of complaints made to the Council in relation to Adult Social Care.

- 1.8 The complaints shared directly with the relevant NHS Trusts are reported to the Council through contractual meetings and inform practice improvement in the same way, had they been received by the Council. There is a requirement for our Social Work colleagues in WCHC and CWP to produce Annual Reports detailing the numbers of complaints received and how they were managed. Copies of these reports are available by request directly from our NHS partners.
- 1.9 From March 2020, the Council opted to pause/close some services which allowed staff to assist with pressures caused by the pandemic. The Complaints Team remained operational throughout this difficult time.

2. Background – Statutory Complaints Procedure

- 2.1 A complaint is defined as any expression of dissatisfaction about the exercise of Adult Social Care functions that requires a response. Complaints that are made orally and can be resolved on the same working day may be excluded from the procedures; all other complaints are dealt with through the complaints policy.
- 2.2 Complaints must be made by an eligible person. An eligible person is either:
- i. a person who receives services or may be eligible to receive services
 - ii. a person who is affected, or likely to be affected by the action, omission or decision of the Department, or;
 - iii. a person with sufficient interest or consent acting on behalf of a person described in (i) & (ii).
- 2.3 A complaint must be made within 12 months of the event complained about or from the time the complainant became aware of the concern. This timeframe may be extended at the discretion of the Complaints Manager, if the complainant is able to demonstrate a good reason as to why the concerns have not been raised at an earlier stage.
- 2.4 Commissioned services are services provided by an external company or voluntary agency on behalf of the Council. Complaints about commissioned services can be made direct to the Council or to the Provider. Complaints made to the Provider can subsequently be referred to the Council for consideration if the complainant is not satisfied. If the Provider escalates a complaint through its internal complaints procedure, the complainant (if dissatisfied) can then forward their complaint direct to the Local Government and Social Care Ombudsman (LGSCO). It is relevant to note that the Council may have no knowledge of the complaint until contact from the LGSCO is received.

Stage One – Local Resolution Stage

- 2.5 This stage provides the opportunity for managers and staff who have responsibility for the case to try and resolve issues of dissatisfaction at a local level, as early as possible. The Complaints Team provides support and guidance to both the complainant and the service manager, to help achieve early resolution. Where failings have been identified, the Team will work to ensure that matters are

put right quickly with lessons learned captured, feeding this intelligence back into the relevant service areas to ensure improvements are made. The timescale for resolving these complaints is 25 working days. Dependent on the complexity of the complaint, the Complaints Team will arrange a meeting with the complainant and a senior officer to explore the concerns raised.

Local Government and Social Care Ombudsman (LGSCO) Stage

- 2.6 If a complainant remains dissatisfied after receiving a response to their complaint, they can forward their complaint to the Ombudsman. A complainant can access the LGSCO at any point; but the service normally provides the Council with the opportunity to process the complaint through the statutory procedure before dealing with the complaint. The LGSCO has a two staged approach to complaints received. The first being the Enquiry Stage, whereby the Ombudsman review the complaint and request some initial information (Council's final response letter and any other key information) usually with a timescale of 3/4 days. Following a review, the LGSCO then either escalate the complaint to an Investigation Stage or close the complaint. The reasons for closure may include, a late referral (i.e. over 12 months old) or that they are satisfied the Council has managed the complaint. If the LGSCO has chosen to investigate the complaint, the timescale for responding to the investigation is usually 28 calendar days, which the Council is required to adhere.

3. How to make a complaint

- 3.1 It is recognised that making a complaint can be a stressful experience. The Complaints Team seek to minimise this stress and wish to make it as easy as possible to make a complaint. The Team encourage any client who has a concern to first speak to a member of staff in the relevant service area. If the problem can be solved on the spot there is no need for the issue to go through the formal complaints process. However, if the complaint cannot be dealt with immediately or the client wishes to have a formal response, they can do so:

- By email - dasscomplaints@wirral.gov.uk
- By telephone – 0151 666 4810
- In person
- By letter to the:

Complaints Resolution and Information Team (Adult Social Care), Wirral Council,
PO Box 290, Brighton Street, Wallasey, Wirral, CH27 9FQ

Full details can be found at:

<http://www.wirral.gov.uk/about-council/complaints/complaints-about-adult-social-services>

4. Advocacy

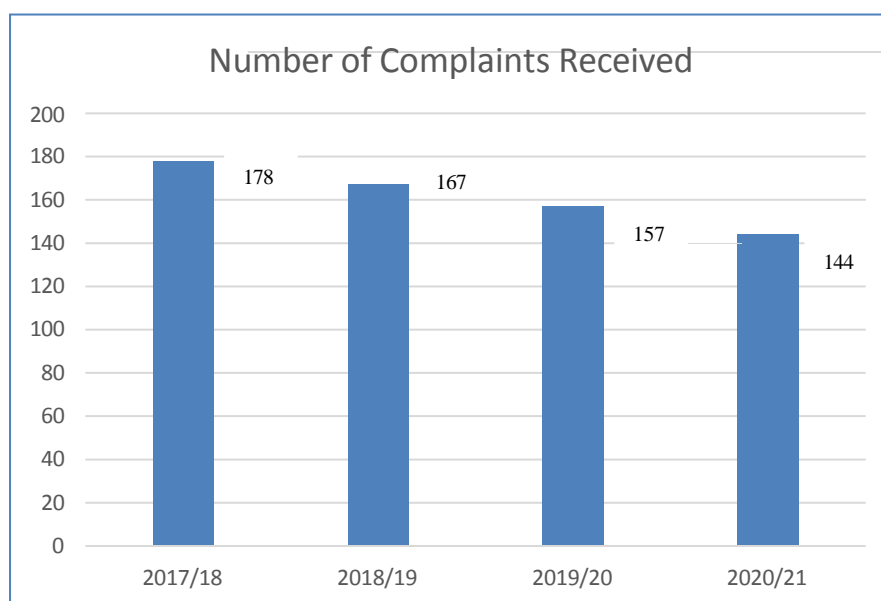
- 4.1 Advocacy, in its broader sense, is about empowering people to make sure that their rights are respected. It is also paramount that individual's views and wishes are fully considered and reflected in decision-making about their own lives. In general, where clients or carers wish to use an advocate, the Council has commissioned an organisation called Ncompass. This company provides free, confidential and independent advocacy to people who use care and community services in Wirral. Alternatively, people can contact a relevant disability or carers organisation for assistance; such as Age UK, Learning Disability Experience or Carers UK. The Complaints Team will advise complainants of the option of advocacy support. The Team can also make direct referrals for advocacy on cases which it is felt would benefit from such support (consent would be required).

5. Confidentiality

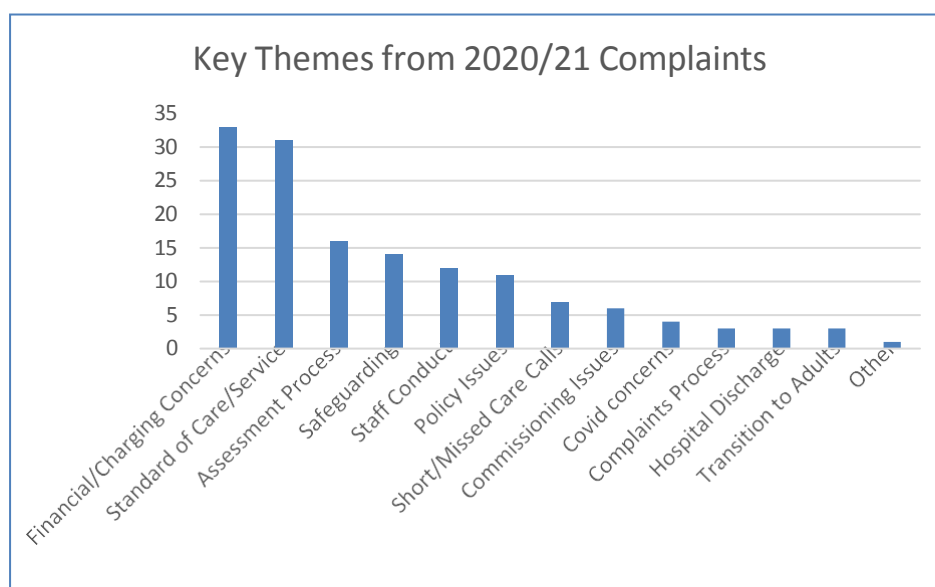
- 5.1 The Council recognises every complainant's right to confidentiality, requiring adherence to the following principles:
- Information given by the complainant must only be used for the purpose intended
 - Information should only be shared between agencies on a need-to-know basis
 - Information about the complaint and the complainant should be recorded only where it contributes to the resolution of the complaint
 - Information used for monitoring, review and analysis purposes should never be presented in a way that identifies individual complainants.
 - Personal data is protected under the Data Protection Act 1998 and General Data Protection Regulations 2018, and clients have a right to see the information the Council holds about them

6. Complaints logged in 2020/21

- 6.1 Over the course of the year, the Team formally logged 144 complaints.
- 6.2 The total number of complaints registered in 2020/21 is slightly down from the number logged in the previous year (157). There was a noticeable drop in complaints made during April and May 2020, which coincides with the national lockdown imposed due to COVID-19. The table below illustrates the number of complaints received over the last four years:



- 6.3 Of the above complaints, 78% were acknowledged within the first 3 days.
- 6.4 Each year the team receive a wide range of concerns and issues. During 2020/21 almost 50% of complaints received were about commissioned services, including Care Homes, Domiciliary Care Agencies, Supported Living providers and Assistive Technology.
- 6.5 A more detailed analysis of the issues complained about, illustrated in the table below identified the key themes which emerged during 2020/21:



- 6.6 As referenced in reports from the last three years, the Team continues to receive a large volume of complaints about financial concerns, as reflected in the graph above. The key financial concerns shared involve disputed invoices, misunderstanding of charging implications of receiving care, lack of clear information on the charging process and backdated charges/invoices. In addition

to this, we continue to see a rise in complaints about the quality/standard of care, whereby the complainant is asking for the charges to be waived.

- 6.7 Of the complaints received, 91% were resolved at the Local Resolution Stage by the Complaints Team and did not progress to the Local Government and Social Care Ombudsman. This is a similar position to the previous year.

Who are our complainants and how do they contact us?

- 6.8 The majority of complaints came from family members raising concerns about their loved ones (60%). We also received complaints directly from 17 clients (12%). As discussed in Section 4, Advocacy is available to assist clients with making a complaint. During 2020/21 we received 15 complaints from Advocates about our clients, which had increased from 6 complaints the previous year. The remaining 28% of complaints were shared by concerned 3rd parties, friends/neighbours of the client, Solicitors, MP/Local Councillor's, and the Care Quality Commission (CQC).

- 6.9 As to be expected, most complaints were shared via email, although the manner in which complaints are made continues to be varied as shown in the breakdown of the number of complaints below:

- | | |
|-------------|-----|
| • Emails | 110 |
| • Letters | 11 |
| • Telephone | 23 |

7. Responding to Complaints

- 7.1 Timescales for responding to complaints are not statutorily prescribed, however they must be as short as reasonably possible to allow for effective consideration. Guidelines are in place to determine what a reasonable timeframe is in most circumstances. Our target is to respond to 70% of complaints within 25 working days and an expectation that all complaints are fully responded to within 6 months.

- 7.2 The average time to respond to complaints was 62 working days. This has increased from the previous year when the average time was 51 days. However, only 52% of complaints were closed within 25 days, which falls below the expected target of 70%. In addition to this, 13% of complaints exceeded the 6 month timescale. This percentage has increased from last year and falls below the target of 100%. Whilst every effort has been made to respond to complaints in a timely manner, investigations have been reliant on input from both Social Work colleagues and commissioned services who continued to work on the frontline during the pandemic.

- 7.3 In terms of the timescales, the Team believe the complexities of the complaints does have a clear impact on timescales. For the most serious complaints, a formal investigation is undertaken by the Complaints Team which involves an in-depth review of the case files and may also involve interviews taking place with the Social Work Team, Providers, Care Workers and other relevant colleagues.

For complaints which require formal investigation, the timescale of 25 working days is mostly exceeded.

7.4 A comparison of performance over previous years is shown below:

Response information	Performance					Target
	2016/17	2017/18	2018/19	2019/20	2020/21	
Average Days to Respond	65	104	46	51	62	
Percent of complaints to be responded to within 25 days (from 2014-2017 15 working days)	22%	24%	47%	53%	52%	70%
Percentage complaints fully responded to within 6 months	91%	76%	94%	94%	87%	100%

7.5 Over the course of the year 50% of complaints were either fully or partially upheld. For any complaints which were upheld in anyway, appropriate apologies were made, and relevant action taken.

8. Complaints about Commissioned Care Providers

8.1 As discussed earlier, approximately half of complaints received were about commissioned packages of support. Complaints about commissioned services can be made to the Provider in the first instance. They may then be referred to the Complaints Team if the complainant is not satisfied with the response. Complainants may wish to approach the Complaints Team in the first instance, which is also acceptable.

8.2 In such cases were the Council's Adult Social Care Complaints Team lead on the complaint, Providers will be expected to assist with the investigation. Dependent on the severity and scope of the concerns raised, Providers may be asked to:

- investigate the complaint and provide a detailed draft response to the complainant, which the Complaints Team will review to ensure it is appropriate and addresses the concerns raised
- provide evidence to support the complaints process i.e. care plans, daily record sheets, weight management charts, call time logs etc
- attend a meeting with the Complaints Team to discuss the complaint
- attend a complaints interview during which a formal statement will be taken

All complainants will receive a formal written response to their complaint from the Council.

8.3 It is relevant to note that Registered Care Providers are contractually obliged to inform the Council about complaints shared directly with them. Providers are expected to submit a Quarterly Report to the Council's Adult Social Care Contracts

Team. The Quarterly Report includes the number of complaints received, the outcome reached and also confirmation that the complaint was managed in line with the Providers procedure. The Contracts Team consider this information as part of ongoing contractual compliance checks.

- 8.4 The Care Quality Commission (CQC) also review complaints received by the Provider as part of the inspections it undertakes.

9. Listening to Users of Services and Learning from Complaints

- 9.1 Complaints are valuable to the service. As well as providing an efficient and effective way for users of public services to get their issues addressed, they also offer a chance to gain an accurate picture of the level and quality of service offered from the perspective of the user. They provide feedback on service delivery and provide a means for the user to have an input into the continuous improvement of the service.

- 9.2 The Complaints Team continue to work alongside the Council's Adult Social Care Professional Standards Team and have developed a close link to the Principal Social Worker. Relevant actions arising from complaints are shared between the two teams and any learning is built into practice audits and instilled within both professional development and training moving forward. This link is pivotal to ensure we improve processes and use this intelligence as part of the learning process.

10. Training and Development

- 10.1 Training on complaint handling, customer care, data protection and General Data Protection Regulations (GDPR) can be accessed through the Council's Website. The Complaints Team is available to support and advise staff; to ensure that best practice is followed during complaint investigations and to provide targeted training with individual members of staff and managers on request.

11. Local Government and Social Care Ombudsman (LGSCO) Complaints

- 11.1 We received 20 complaints from the Ombudsman in the past year, of which:

- 3 were considered to be Invalid or Incomplete
- 4 were referred back to the Council for local resolution
- 1 was closed after initial enquiries
- 12 were upheld

- 11.2 There is a small rise in complaints being upheld from previous years; no Public Reports were issued against Adult Social Care.

- 11.3 In terms of Remedy and Compliance Outcomes for 2020/21, the Council was 100% compliant with all recommendations noted by the Ombudsman.