

Adult Social Care

Annual review of complaints



Annual Complaints Report

2018 / 2019

Complaints Team
Resident Services

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Executive Summary

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 and of its complaints procedure.

This report provides an overview and analysis of all complaints received during the reporting period 1 April 2018 to 31 March 2019; including a summary of identified issues, examples of service improvement and details of future objectives for the financial year 2019/20. Comparisons from the previous reporting period, i.e. from 1 April 2017 to 31 March 2018 have been included where available.

The report will be published on the Council's website, and made available to managers and staff, elected members, residents and inspection bodies. Graphical information regarding the volume and type of complaints for the period 1 April 2018 to 31 March 2019 can be found from page 8 onwards, from which the following key points are highlighted below.

Background – Statutory Complaints Procedure

Complaints are investigated under the statutory provisions of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, and the Council's Corporate Complaints Procedure in respect of the administrative aspect of Community Care decisions.

In Waltham Forest, Adults Social Services is known as Adult Social Care. For ease of reference, the statutory complaints procedure is referred to as the Adults Complaints Procedure.

The Social Care Complaints Team has the key responsibility for managing the statutory process for complaints from adult service users (or their representatives) about the quality of the service they receive.

The fundamental principles that underpin Waltham Forest's Adult Social Care complaints procedure are:

- Ensuring that complaints are managed effectively by having clear and straightforward systems in place to capture complaints and that these processes are readily accessible to all users, and
- Ensuring decisions are taken as quickly as possible and where fault is found, lessons are learnt which are then fed back into service improvements.

The Adults Complaints Procedure offers an opportunity for the Council to resolve customers' dissatisfaction.

- **Local Resolution Stage**

This stage provides the opportunity for managers and staff who have responsibility for the case and the service to try and resolve issues of dissatisfaction at a local level as early as possible. The Social Care Complaints Team provides support and guidance to both the complainant and the service manager, to help achieve early resolution and, where things have gone wrong, to ensure that matters are put right quickly with lessons learned captured and fed back into service improvements. The timescale for resolving these complaints is 20 working days.

- **Local Government and Social Care Ombudsman (LGSCO) stage**

If a complainant remains dissatisfied after receiving a response to their complaint, they can go to the LGSCO. A complainant can access the LGSCO at any point; but the LGSCO normally provides the Local Authority with the opportunity to process the complaint through the statutory procedure before dealing with the complaint.

The timescales for responding to the LGSCO's enquiries (usually 28 calendar days) are set by the LGSCO and the Council is required to adhere to them.

Key Highlights

- **Service User Population**

The service user population is made up of those who had some form of interaction with Adult Social Care during the reporting period. During 2018/19, 6225 requests for support were received from people wanting a service from Adult Social Care. At the end of March 2018, 3561 people were being provided with ongoing long term support in line with their assessed needs.

In terms of service provision to this group, just over 0.6% found that they (or their carer/relative) felt that they had cause to make a complaint.

- **Local Resolution Complaints**

During the reporting period of 1 April 2018 to 31 March 2019, the Social Care Complaints Team received a total of 59 complaints relating to Adult Social Care, which is a 5% decrease over the 62 received in the same reporting period in 2017/18.

It should be noted that three complaints were not investigated as the issues related to organisations which do not provide the service on behalf of Waltham Forest Council; these complaints were there considered to be outside of our jurisdiction.

These three complaints are included in the data relating to being received; but not the reply information; such as timescale or outcome. Therefore, 56 complaints were actually investigated and provided with a response.

Most of the complaints received, 45 (80%), were resolved at the Local Resolution Stage by Adult Social Care and did not progress to the Local Government and Social Care Ombudsman (LGSCO). This compares to 62 (98%) in the previous reporting period of 2017/18.

Of the complaints received during the reporting period, 66% were responded to within the agreed timescales of 20 working days. This is an improvement on the response rate achieved during 2017/2018, which stood at 63%.

Of the cases responded to, 31 (55%) were upheld or partially upheld during the reporting period 2018/19, compared to 56% in the previous reporting year 2017/18.

- **Escalation to the Local Government and Social Care Ombudsman (LGSCO)**

A complainant can access the LGSCO at any point during the complaints process. However, the LGSCO normally provides the Local Authority with the opportunity to process the complaint through the complaints procedure first if it has not yet had the opportunity to respond to issues presented by the complainant.

During the reporting period 2018/19, a total of 11 complaints were made to the Local Government and Social Care Ombudsman, with 7 being investigated; of those 4 were upheld. The remaining four complaints were initially reviewed by the LGSCO; but were closed without further enquiries to the Council.

How to make a complaint

Complaints should be made through an online customer portal (or by letter if the person does not have online access). They are then allocated to team managers via this system; which sends out reminder notifications to the service and keeps the complainant informed about where their complaint is within the process.

The online portal is designed to make access to services more efficient, and enhance a customer's experience of dealing with the Council and our services online. It also allows Council services to communicate with customers using the same method, thus cutting down on the need for correspondence by post. Full details can be found at:

www.walthamforest.gov.uk/content/complaints

If someone is unable to access the online portal or send us a letter, the Council has arrangements in place to take complaints over the telephone in exceptional circumstances (<https://www.walthamforest.gov.uk/content/complaints-compliments-and-comments>);

Advocacy

Advocacy in its broader sense is about empowering people to make sure that their rights are respected and that their views and wishes are fully considered and reflected in decision-making about their own lives.

In general, where service users and carers wish to use an advocate, the Council has commissioned an organisation called Citizens Advice Waltham Forest to provide free, confidential and independent advocacy to people who use care and community services in Waltham Forest. More information about their work can be found at:

<https://www.citizensadvice.org.uk/local/waltham-forest/>

Alternatively, people can contact a relevant disability or carers' organisation for assistance; such as Age UK, Mencap or Carers UK. The Social Care Complaints Team can put complainants in touch with advocacy organisations where requested.

Confidentiality

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 2018, and service users have rights under the General Data Protection Regulations about how to view their information, and know how it is used, stored and processed.
- We all have a responsibility to collect and process personal data in a way that complies with the new rules and need to be aware of the impact of this on our day-to-day roles.

More information and our Privacy Notice can be found on the Council's website at:

www.walthamforest.gov.uk/content/corporate-complaints-team-privacy-notice

Listening to service users and learning from complaints

Adult Social Care considers outcomes from complaints as valuable lessons. Managers responding to complaints/representations are encouraged to identify any shortcomings within the service and to inform the complainant of actions which will be taken to prevent a recurrence of the event which led to the complaint.

All resolutions and actions ensuing from complaint investigations are assigned to the manager responsible for the service and progress against those actions is monitored by the Social Care Complaints Team over the course of the year.

The Local Government and Social Care Ombudsman says: *“It’s essential for authorities to try to get things right at the local level before problems are escalated to us, so we welcome any moves to improve the way councils manage the assessment process for people in need of care”.*

In its 2018/19 review of Adult Social Care complaints (received about English local authorities) the LGSCO upheld 66% of complaints and noted the following key learning points:

Commissioning care	<i>Councils should ensure they maintain oversight of outsourced contracts that deliver services on their behalf, including ensuring clarity about how complaints will be dealt with.</i>
Charging for care	<i>Councils should be clear about what constitutes intermediate care and that they cannot charge for the first six weeks of intermediate care. Care providers should ensure changes to fees are clearly communicated according to contract terms and that they operate systems to inform residents when arrears are accrued. Assessment and care planning.</i>
Assessment and Care Management	<i>Councils cannot change care packages at short notice and without making proper assessments of need.</i>
Assessing for blue badges <i>(these complaint fall within our Corporate Complaints Procedure)</i>	<i>Councils should ensure their assessments properly take account of people with hidden or non-physical disabilities that may affect their ability to walk.</i>
Complaint handling	<i>Care providers and councils should ensure they clearly inform people of their right to bring a complaint to the Ombudsman. The contact details for the LGSCO should be clearly displayed in all care settings and in all complaints policies.</i>

Although the above Local Government and Social Care complaints were not specifically about Waltham Forest; we found that many of the learning points related to some similar complaints that we received during the reporting period

Managing the complaints process

The Social Care Complaints Team is part of the corporate Complaints Team within the Resident Services Directorate. The Team provides a support function to the Families Directorate, and consists of a Social Care Complaints Manager and a Social Care Complaints Officer.

The Team is responsible for the administration and management of both the adults and children's statutory social care complaints functions. The responsibility for preparing and issuing responses to complaints remains with Adult Social Care teams within the Families Directorate.

Complaints should be made through an online portal (or by letter if the person does not have online access).

Training and Development

Online e-learning is available to all staff; including modules on complaint handling, customer care, data protection and so on; these can be accessed through the Council's intranet.

The Social Care Complaints Team is available to support and advise staff; to ensure that best practice is followed during a complaints investigation; and to provide targeted training with individual members of staff and managers on request. In addition, a set of complaints handling procedures and processes is available on the staff intranet. These are reviewed and updated (if necessary) on an annual basis.

During this reporting period 12 managers attended a complaint handling training session provided by the Local Government and Social Care Ombudsman.

Integrated Services

Many of Waltham Forest's health and social care services are provided in partnership with health agencies within the borough, primarily; the North East London NHS Foundation Trust (NELFT), Barts Health NHS Trust and the Waltham Forest Clinical Commissioning Group.

Adult Social Care work in close partnership with these agencies, with many services integrated with staff from both the NHS and Waltham Forest.

The complaints processes are provided and managed separately for each agency, and performance information set out in this report is specifically about the Waltham Forest Council aspect of the complaints procedure.

- **Learning Disability Services**

Learning Disability Services within Waltham Forest consist of both social work staff and healthcare clinicians. Complaints in respect of the social work part of the service are included within the performance figures outlined in this report.

- **Mental Health Services**

The North East London NHS Foundation Trust manages mental health services within Waltham Forest on behalf of the Council and the Clinical Commissioning Group. The team consists of a multi-agency environment; this includes social care staff. All complaints we receive about this service are referred to NELFT for a response under their complaints procedure.

Compliments

Many compliments are delivered verbally and are not easily captured for reporting purposes. However, where staff have done an exceptionally good piece of work or provided an excellent service, some service users and carers have felt compelled to send in a written compliment to that worker or team.

During 2018/19, nine compliments were received; a snapshot of these is outlined below:

My family and I would like to thank you for all your help organising my relative's move to downstairs. We really appreciate it.

I really do appreciate how understaffed and overworked you all are and so really wanted to pass on my thanks to the social worker for her hard work in putting the package together

We are grateful for all your support and know it would have been much harder without your input. Please keep up the good work in what I know is often a challenging setting.

You are an angel. I Could not have coped without your professional and speedy assistance.

Analysis of complaints

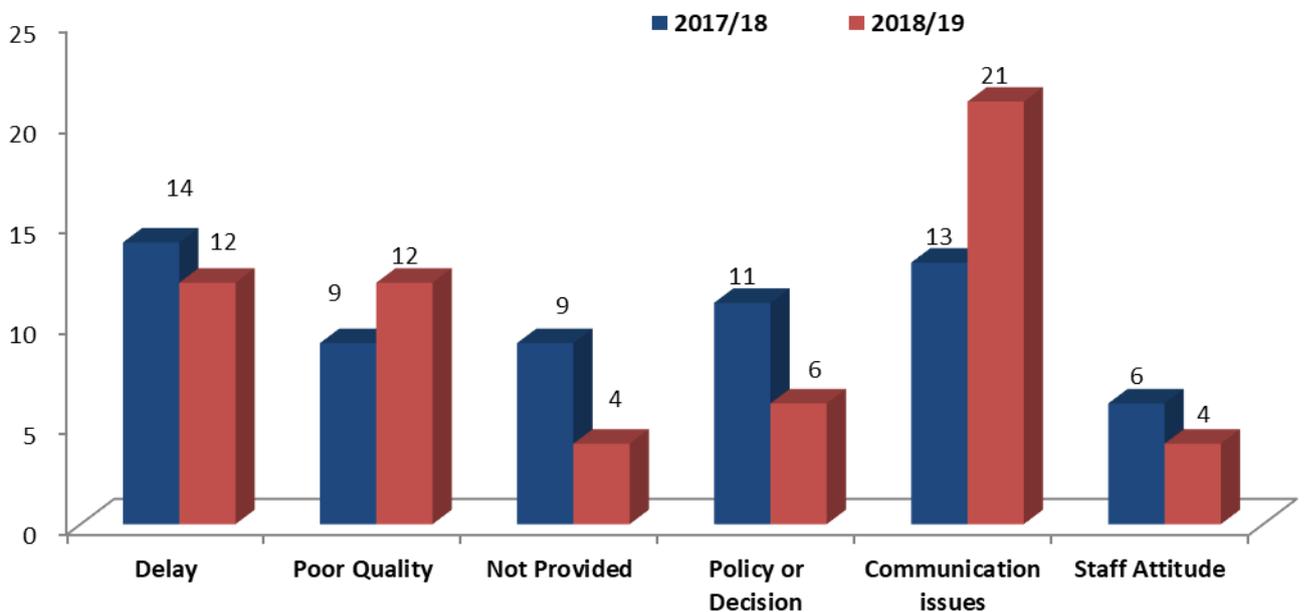
The following sections of the report provide statistical information on the number of statutory Adult Social Care complaints recorded and actioned by the Council; the performance against statutory timescales for handling complaints and complaint trends between the reporting year 2018/19, and the previous reporting year 2017/18.

During the reporting period 1 April 2018 to 31 March 2019, the Social Care Complaints Team recorded a total of 59 complaints relating to Adult Social Care, which is a 5% decrease over the 62 received in the same reporting period in 2017/18.

The primary issues complained about are standardised across the Council. It is not always easy to fit Adult Social Care complaints into one of the six categories, as it is not a 'one size fits all' solution, and some complaints cross multiple categories. Each complaint is allocated a 'best fit' category according to the issues raised by the complainant and is from their perspective. The types of complaints are roughly allocated as follows:

Policy and Decision	Usually relates to an outcome of an assessment or a service request that has not been agreed.
Staff Attitude	Primarily around customer service issues, or where a worker said they would do something; but did not.
Poor Quality	Mainly about the quality of reports and case management.
Non Provision	Where a service was agreed; but not provided.
Communication	Usually about, calls, messages, emails, etc not being returned.
Delay	Where a formal or informal deadline is set to provide a service; but is missed and provided much later.

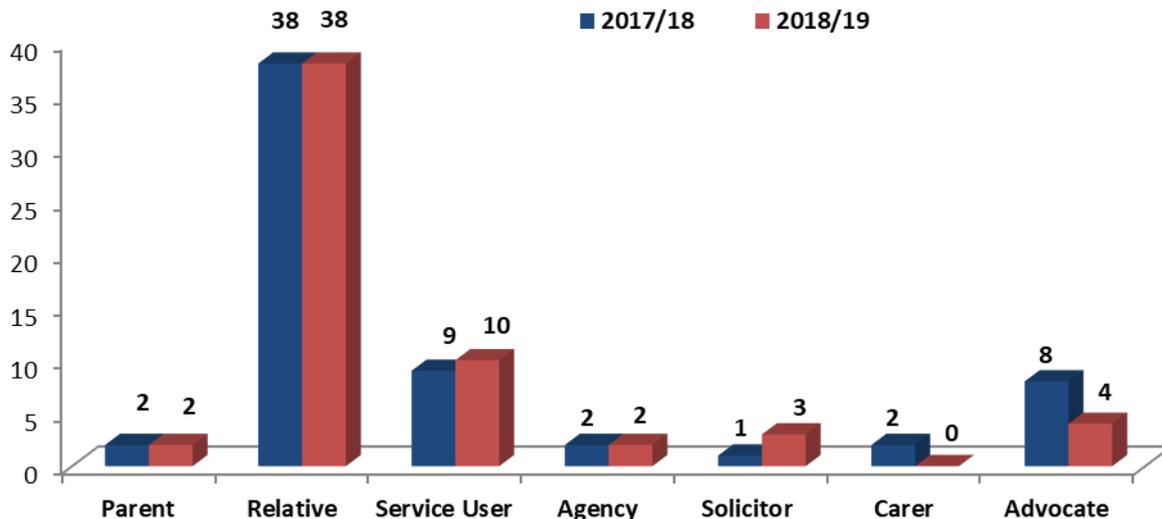
The following chart shows the reasons for making a complaint during the reporting period 2018/19, compared to 2017/18



Overall, there were decreases in four areas in this reporting period; with the exception of:

- Communication, where there was a 61% increase in complaints, going up from 13 to 21.
- Poor Quality, where there were three more complaints received this year, going up from 9 to 12.
- However, there was a decrease in number of complaints about Policy and Decision, Non-Provision, and Staff Attitude, which reduced in total by 46%, going down from 26 to 14 complaints.

The following chart sets out information about who accessed the statutory procedure during the year 2018/19, compared to last year.



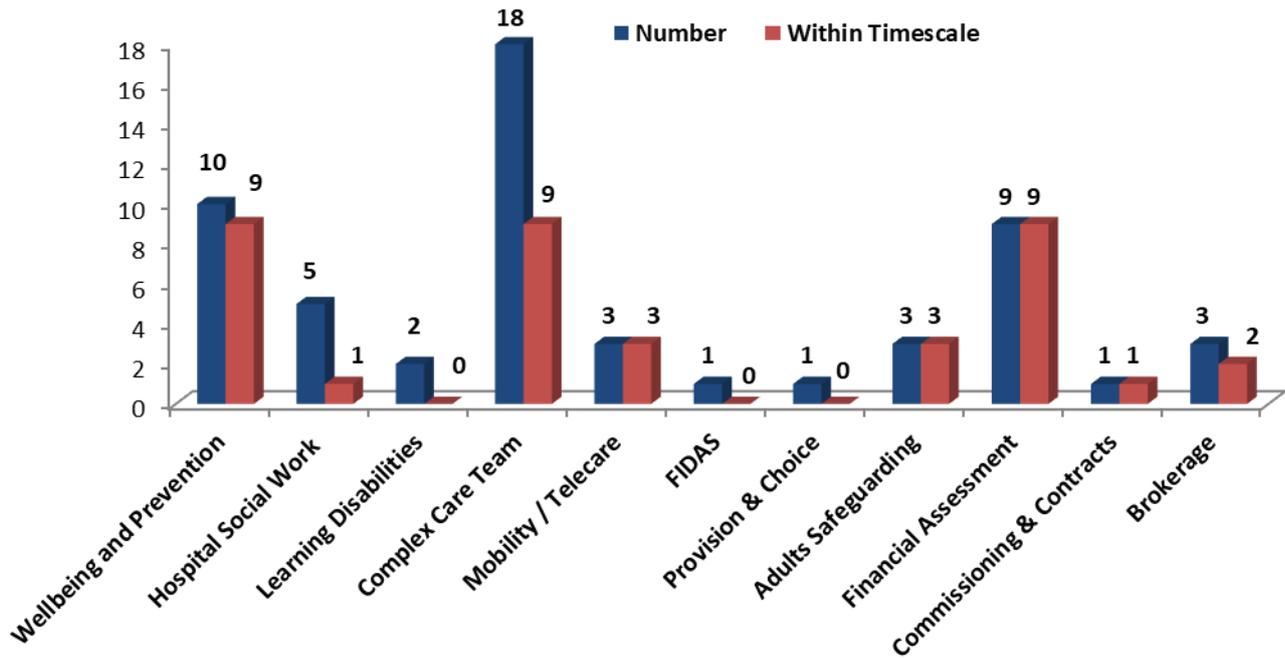
Just over two thirds of complaints (69%), were made by carers or relatives of the service user; whereas (17%) were made by the service users themselves.

Complaints made via a professional representative (such as an advocate or solicitor) decreased this year from 11 in 2017/18 to 9 in this reporting period.

The following chart sets out the total number of complaints requiring a response by each service area during the reporting year 2018/19 and the number responded to within timescale:

The following teams' complaints were logged under the Adults Complaints Procedure, as they provide services to Adult Social Care customers:

- NELFT – North East London NHS Foundation Trust manages mental health and learning disabilities services in partnership with Waltham Forest Council.



- Mobility and Telecare – these services are managed by the Council’s Business Support Hub.
- FiDAS (also known as Resident Financial Services), are part of the Finance and Governance Directorate and look after Adult Social Care clients’ money, where they are unable to do so themselves.
- Financial Assessment Unit – is part of the Neighbourhoods and Commercial Group

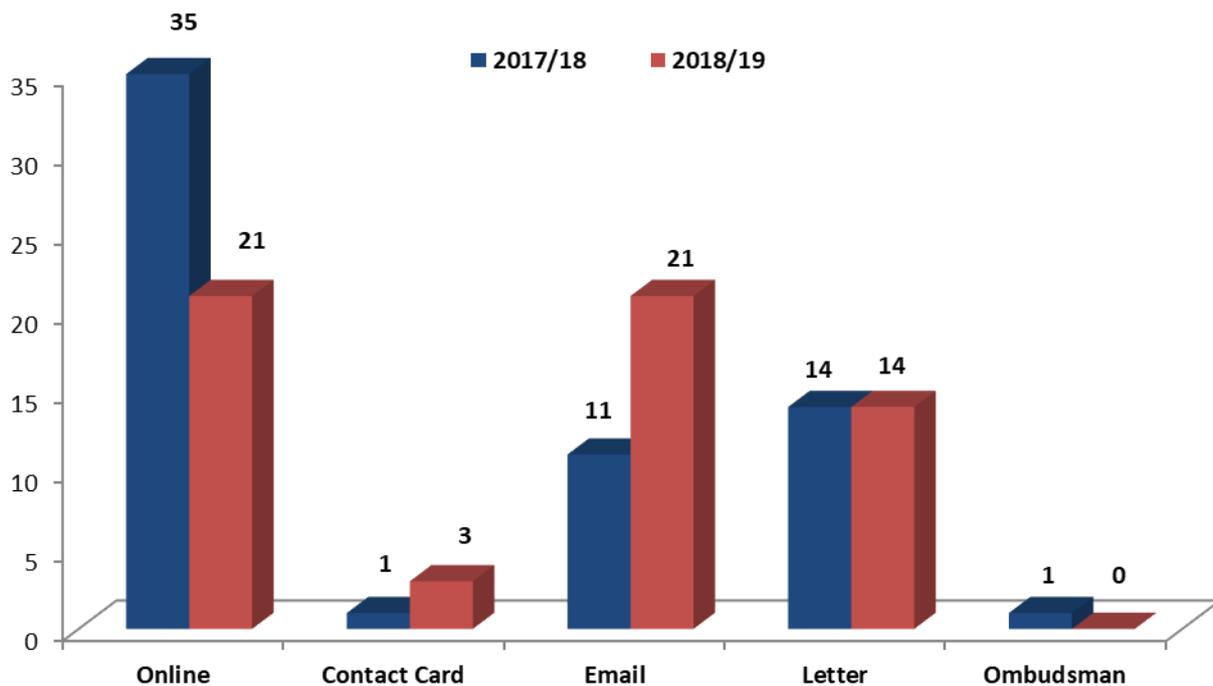
The complaints received in 2018/19, compared to 2017/18, were allocated to the following service areas:

Please note that due to restructuring within the Council, some services changed directorate; but they still support Adult Social Care. Therefore, complaints about these services have been included in this report.

Service Area	2018/19	2017/18
Assessment and Care Management <i>(Including First Response, Reviewing Team, Appeals Panels, Re-ablement, Occupational Therapy, Complex Care, Hospital Social Work and Brokerage)</i>	39 (66%)	29 (47%)
Provision and Choice <i>(Including Council residential care homes)</i>	1 (1%)	3 (5%)

Brokerage and Strategic Commissioning <i>(Including private homecare & residential care)</i>	4 (7%)	7 (11%)
NELFT <i>(Including Learning Disabilities and Mental Health Services)</i>	2 (4%)	4 (6%)
Support Services <i>(including Mobility, Telecare, Financial Assessment Unit, and FIDAS)</i>	13 (22%)	19 (31%)

The following chart shows the channel used to contact the council regarding making a complaint during the reporting year 2018/19, compared with the previous year 2017/18.

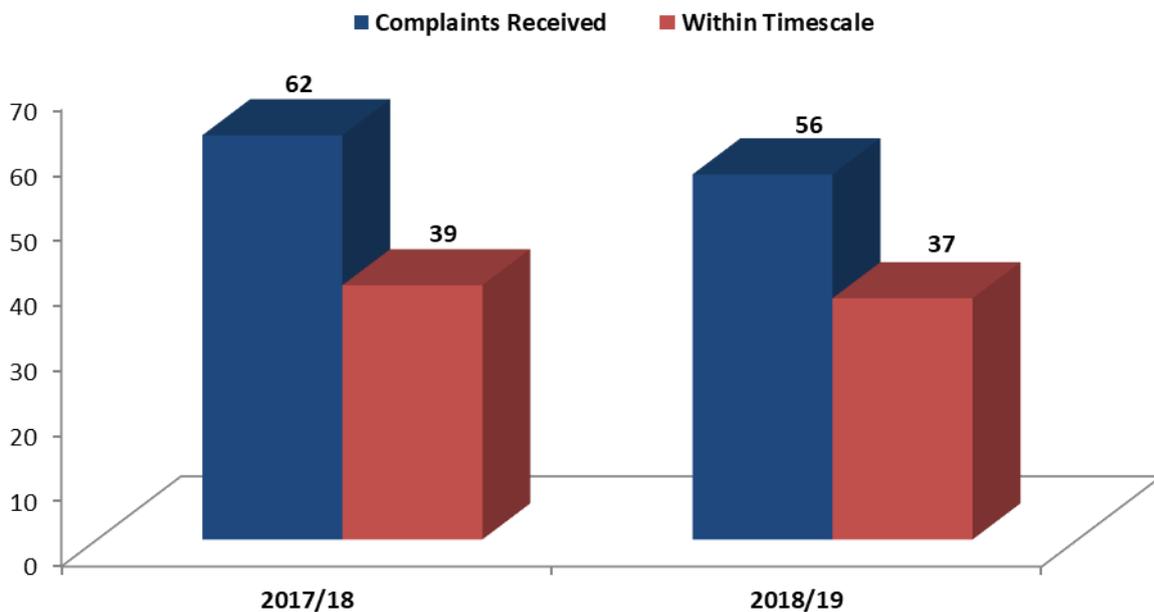


The Council encourages residents to use its online portal to request services and submit complaints. The online portal has been in place since November 2015. Residents who do not have internet access at home, can seek support from the Library Service Plus, or they can submit their complaint by letter; in exceptional circumstances, complaints are taken over the phone.

The following table shows the reasons for making a complaint during the reporting period 2018/19 and the outcomes at each stage of the complaints procedure.

Trend	No of Complaints	Upheld	Partially Upheld	Not Upheld	Outside Jurisdiction	% of Complaints Upheld and Partially Upheld
Local Resolution Complaints (Stage 1)	59	16	15	25	3	55%
Delay	12	7	2	3	0	75%
Poor Quality	12	2	3	6	0	42%
Non Provision	4	1	2	1	0	75%
Communication	21	5	6	9	0	52%
Policy and Decision	6	0	1	4	0	17%
Staff Attitude	4	1	1	2	0	50%
LGO Complaints	11	4	0	7	0	36%

The following chart compares the response timescale for complaints received during the reporting year 2018/19 and the previous year 2017/18.



It should be noted that 3 out of the 59 complaints received fell outside the remit of the complaints procedure and were not investigated.

This represents a 3% improvement in the response time overall between 2018/19 (66%) and 2017/18 (63%).

The Local Government Ombudsman states that:

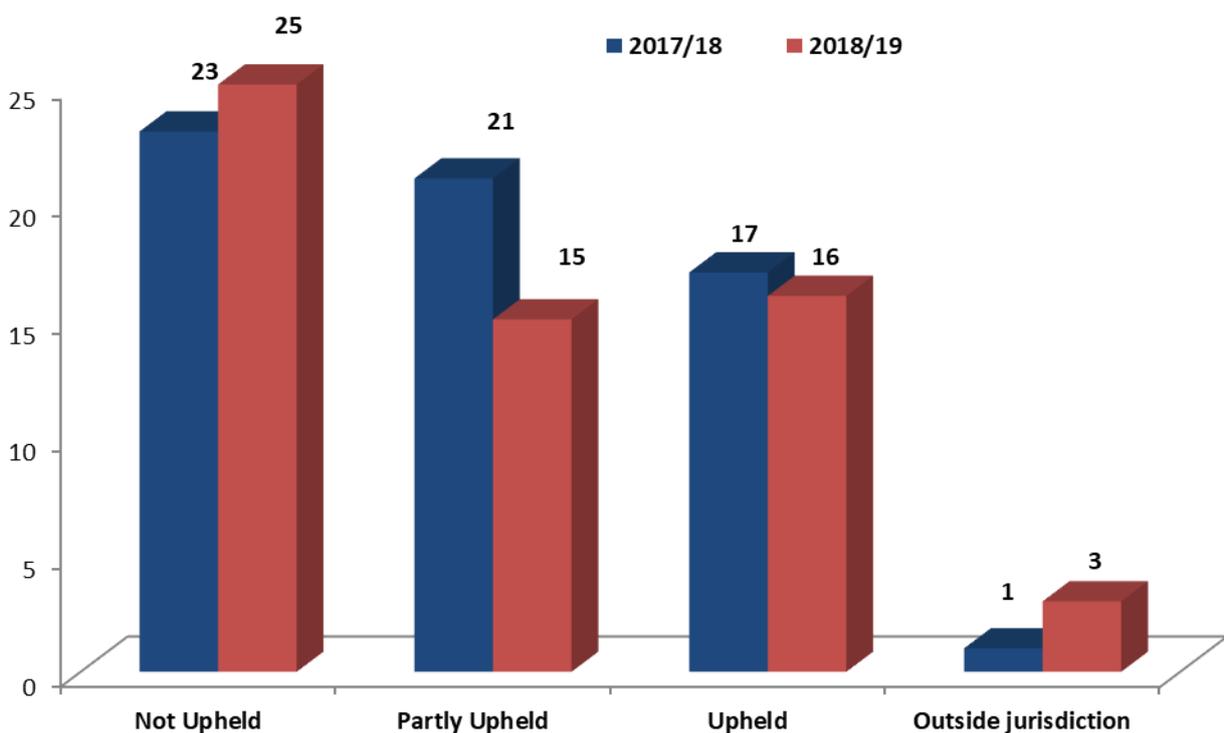
‘Many practical difficulties can be resolved if they are raised promptly and openly, even if it takes time to investigate what lies behind the presenting issues.

Prompt action to resolve complaints benefits the person directly affected by any poor service, as well as giving social care providers the chance to make immediate improvements for the benefit of all their clients.

All providers should handle complaints put to them briskly and openly. They should not let disputes drag on but be clear when they have investigated the issue and taken remedial action. If they are not satisfied, providers should let complainants know they have a right to take matters on to the LGO, and how to do so.

The Achieve system sends managers email notifications when a complaint is due for response within a few days and when it is overdue. In addition, the Social Care Complaints Team send weekly reminders to managers, and liaises with them around any potential delays.

The following chart shows the outcome of Complaints received during the reporting year 2018/2019, compared with the previous year 2017/18.



Of the cases responded to, 55% were upheld or partially upheld during the reporting period 2018/19, compared to 64% in the previous reporting year 2017/18.

With regards to those complaints that were upheld, the service offered apologies and advised the service users of any actions that would be taken to prevent the incident that led to their complaint from recurring.

Improvements in 2018/19

- We continued to implement the action plans which set out the recommendations for service improvement following Stage one complaint investigations and LGSCO investigations when applicable.
- We facilitated two training sessions by the Local Government and Social Care Ombudsman to managers within Adult Social Care to ensure that they are familiar with Waltham Forest's complaints process. Training was provided to 12 managers across the service.
- We worked with the Council's General Data Protection Regulation Support team, to support the service to identify and implement any changes required by the General Data Protection Regulation in relation to complaints handling; such as, consent, retention periods and Privacy Notices.
- The Complaints Team Privacy Notice has been created and can be found on the Council's website at: www.walthamforest.gov.uk/content/corporate-complaints-team-privacy-notice

Future work programme for 2019/20

- Independent Age – the Older People's Charity is calling on the Government to introduce a statutory appeals system relating to the care people receive through their local authority. It would be distinct from complaints, with its own separate timelines and process. The Social Care Complaints Team will keep an eye on how this develops and make any necessary changes to the complaints process.
- The Social Care Complaints Team will implement any changes to the complaints process in light of the directorate restructuring.