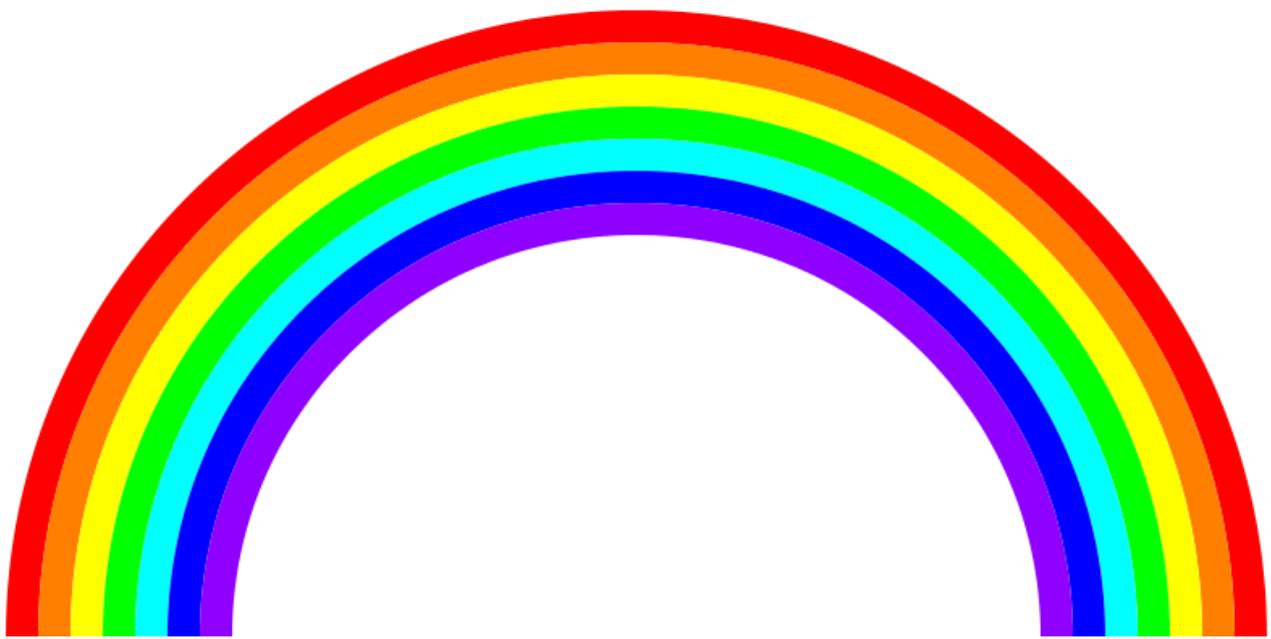


# Adult Social Care

## Annual review of complaints



# Annual Complaints Report

## 2019 / 2020

Complaints Team  
Resident Services

## Table of Contents

## Page Number

- **Executive Summary.....2**
- **Background – Statutory Complaints Procedure.....2**
- **Key Highlights.....3**
- **How to make a complaint.....4**
- **Advocacy.....5**
- **Confidentiality.....5**
- **Listening to service users and learning from complaints .....6**
- **Managing the complaints process .....7**
- **Training and Development.....7**
- **Integrated Services.....7**
- • **Learning Disability Services .....8**
- • **Mental Health Services.....8**
- **Compliments .....8**
- **Analysis of complaints.....9**
- **Improvements in 2019/20 .....15**
- **Future work programme for 2020/21 .....16**

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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 2019 to 31 March 2020; including a summary of identified issues, examples of service improvement and details of future objectives for the financial year 2020/21. Comparisons from the previous reporting period, i.e. from 1 April 2018 to 31 March 2019 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 2019 to 31 March 2020 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 2019/20, just over 14,000 requests for support were received from people wanting a service from Adult Social Care. At the end of March 2020, 2,900 people were being provided with ongoing long term support in line with their assessed needs.

In terms of service provision to this group, only 39 people found that they (or their carer/relative) had cause to make a complaint.

- **Local Resolution Complaints**

During the reporting period of 1 April 2019 to 31 March 2020, the Social Care Complaints Team received a total of 39 complaints relating to Adult Social Care, which is a 34% decrease over the 59 received in the same reporting period in 2018/19.

It should be noted that some complaints related to organisations that provide the service on behalf of Waltham Forest Council; no complaints were considered to be outside of our jurisdiction.

Therefore, 39 complaints were actually investigated and provided with a response.

Most of the complaints received, 33 (85%), 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 45 (80%) in the previous reporting period of 2018/19.

Of the complaints received during the reporting period, 41% were responded to within the agreed timescales of 20 working days. This is a reduction on the response rate achieved during 2018/2019, which stood at 66%.

The Complaints Team general practice is to send reminders to Services when deadlines are approaching to try and ensure responses are completed on time. There are occasions where complaints are complex and responses need to be collated from several teams including legal advice. Our aim is to improve the number of responses within the agreed timescales. We will liaise with Services to highlight the importance of responding to complaints within timescale.

Of the cases responded to, 21 (54%) were upheld or partially upheld during the reporting period 2019/20, compared to 55% in the previous reporting year 2018/19.

- **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 2019/20, a total of 6 complaints were made to the Local Government and Social Care Ombudsman, with 4 being investigated; of those 2 were upheld. The remaining two complaints were initially reviewed by the LGSCO; but were closed without further enquiries to the Council.

With the two complaints that were upheld our decisions were not overturned by the LGSCO but they confirmed that there was some fault in the handling of the complaint by 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 Council encourages residents to use its online portal to request services and submit complaints. 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 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](http://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: [www.citizensadvice.org.uk/local/waltham-forest](http://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](http://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 2019/20 review of Adult Social Care complaints (received about English local authorities) the LGSCO upheld 69% of complaints and noted the following key learning points:

<b>Adult Safeguarding</b>	<i>Councils should ensure that they review their procedures to improve audit trails of care assessments and conduct a wholesale review of its adult safeguarding procedures.</i>
<b>Assessment and Care Management</b>	<i>Councils should ensure that they review its care plans and add a section to address mental capacity and ensure carers reported changes to a person’s condition so that a review of their care plan would take place.</i>
<b>Assessing for Care packages</b>	<i>Councils should take steps to ensure all future assessments are conducted in line with relevant law and guidance.</i>
<b>Charging for Care</b>	<i>Councils should review their fee collection arrangements to ensure they are in line with law and guidance.</i>
<b>Funded Nursing Care</b>	<i>Councils should review their contract terms to ensure they provide clear information about fees at the outset.</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.

## 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.

## 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**

Mental Health 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.

All complaints we receive about the clinical side of the service are referred to the North East London NHS Foundation Trust 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 2019/20, six compliments were received; a snapshot of these is outlined below:

*Thank you very much for your assistance and understanding in dealing with this case. It is greatly appreciated.*

*The Social Worker's ongoing support, commitment, kindness and patience meant that we were able to navigate through the challenges we faced as a result of my relative's condition and reach the best possible outcome. It has been life changing and the family will always be grateful.*

*I would like to highlight the outstanding work that staff at the homes are putting into improving our client's quality of life. What is particularly impressive is the creative thinking and joint work with caseworkers to support independence, choice and control.*

*The Social Worker has gone above and beyond, showing great empathy and understanding. She has made things better for my relative and hence my family.*

*As a family we wanted to say thank you for all your help when arranging our relative's care and visiting her at home. Your care and compassion as well as how promptly you dealt with everything really made a difficult situation much easier to deal with.*

*We want to say a big thank you for all the support you have given to us. It really means a lot to have such amazing people supporting us.*

## 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 2019/20, and the previous reporting year 2018/19.

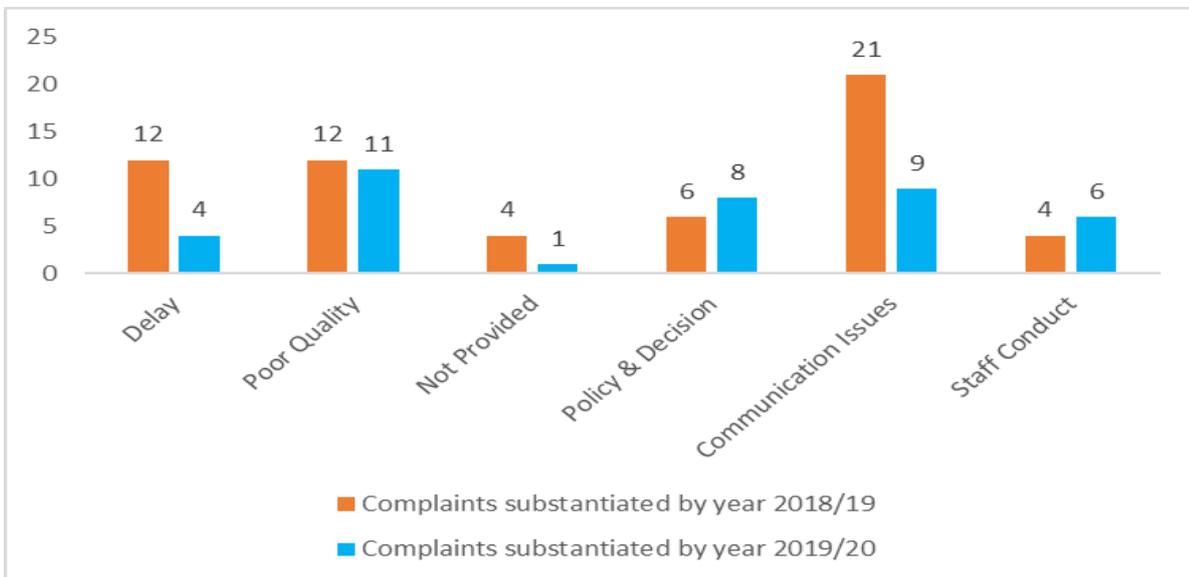
During the reporting period 1 April 2019 to 31 March 2020, the Social Care Complaints Team recorded a total of 39 complaints relating to Adult Social Care, which is a 34% decrease over the 59 received in the same reporting period in 2018/19.

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 allocated as follows:

<b>Disagreement with Policy and Decision</b>	Usually relates to an outcome of an assessment or a service request that has not been agreed.
<b>Staff Attitude</b>	Primarily around customer service issues, or where a worker said they would do something; but did not.

<b>Poor Quality Service</b>	Mainly about the quality of reports and case management.
<b>Non-Provision of Service</b>	Where a service was agreed; but not provided.
<b>Communication</b>	Usually about, calls, messages, emails, etc not being returned.
<b>Delay in Service</b>	Where a formal or informal deadline is set to provide a service; but is missed and provided much later.

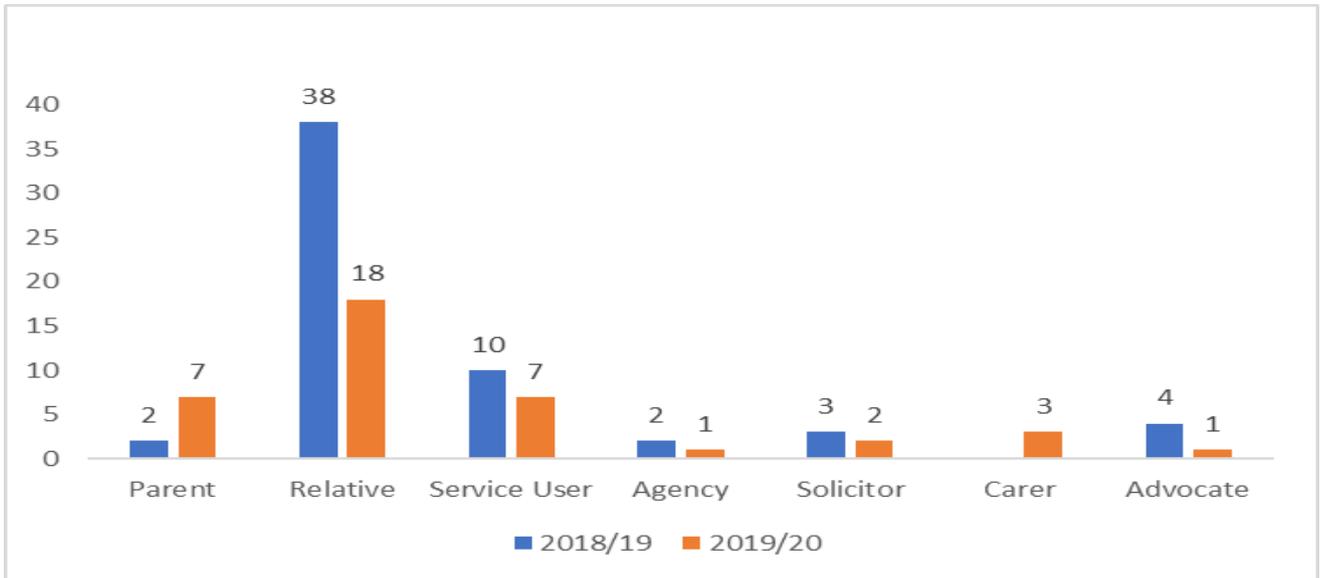
The following chart shows the reasons for making a complaint during the reporting period 2018/19, compared to 2019/20



Overall, there were decreases in four areas in this reporting period; which included:

- Communication, where there was a 57% decrease in complaints, going down from 21 to 9.
- Delay, where there was a 67% decrease in complaints, going down from 12 to 4.
- There was an increase in the number of complaints about Policy and Decision, which increased in total by 25%, going up from 6 to 8 complaints.
- There was an increase of 33% in complaints about Staff conduct with complaints going up from 4 to 6.

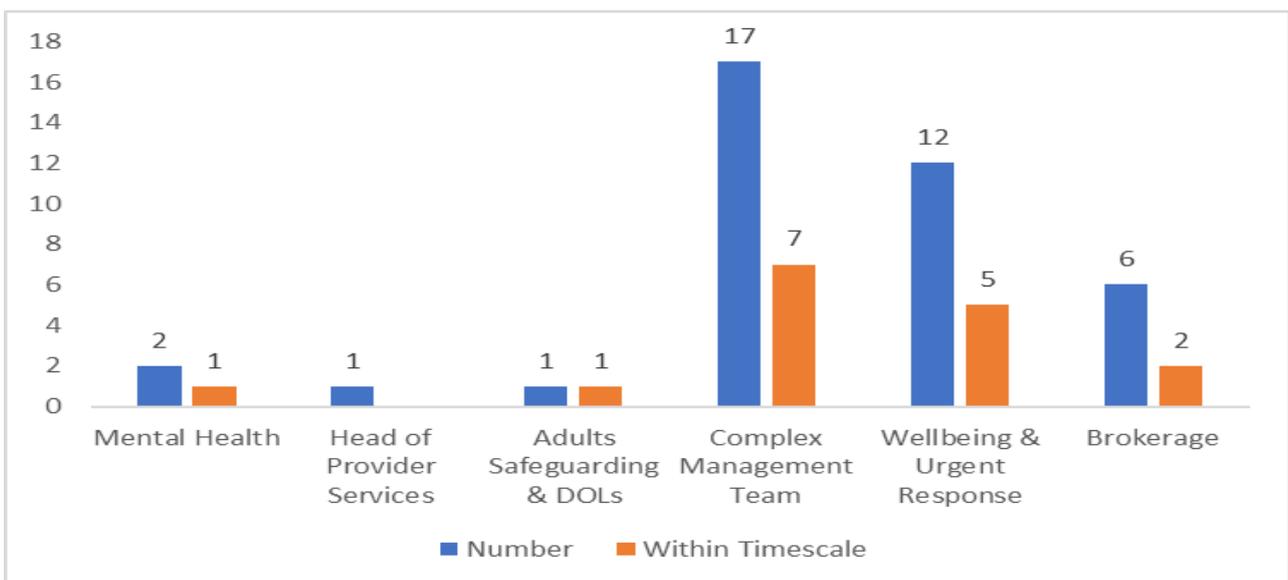
The following chart sets out information about who accessed the statutory procedure during the year 2019/20, compared to last year.



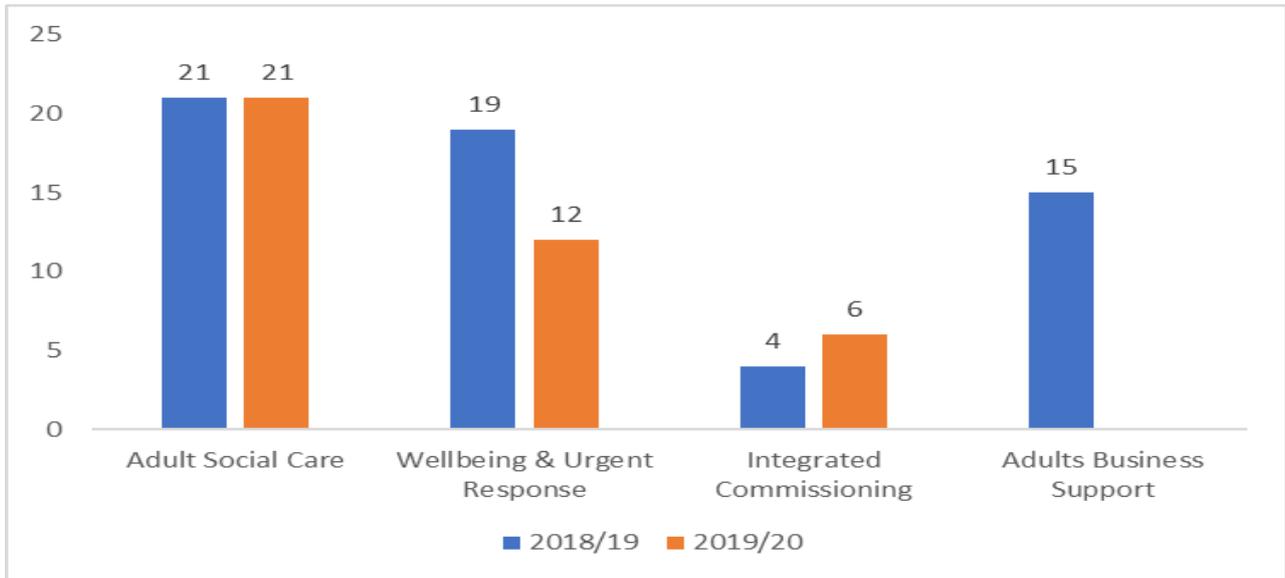
Two thirds of complaints (64%), were made by carers or relatives of the service user; whereas (18%) were made by the service users themselves.

Complaints made via a professional representative (such as an advocate, solicitor or agency) decreased this year from 9 in 2018/19 to 4 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 2019/20 and the number responded to within timescale:**



The complaints received in 2019/20, compared to 2018/19, were allocated to the following service areas:



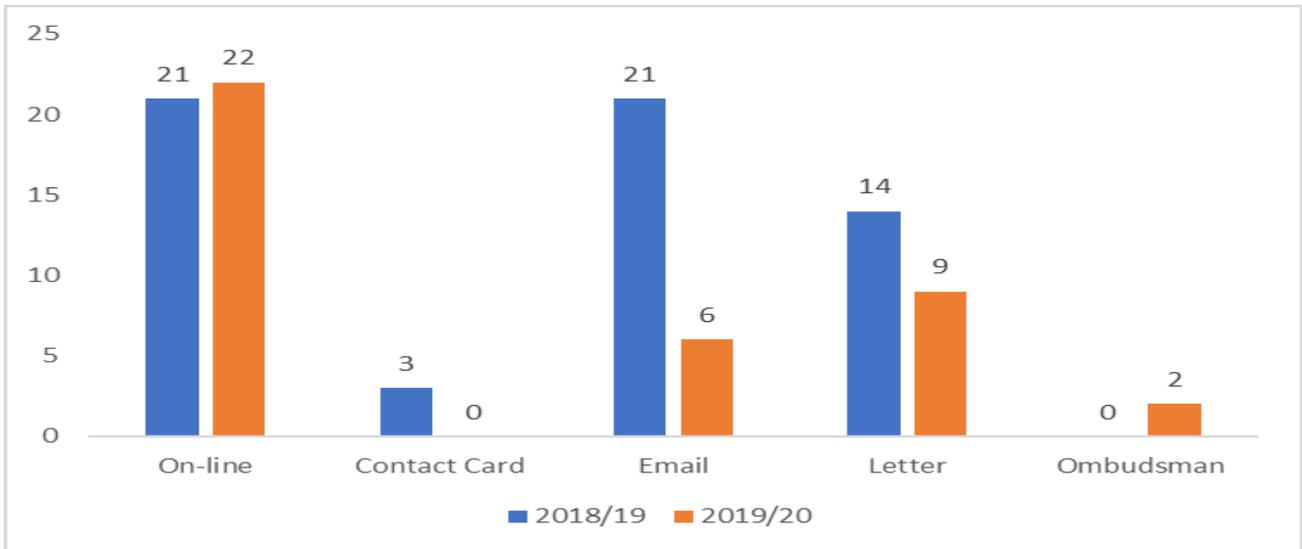
Please note that due to restructuring within the Council, some services changed directorate; but they still support Adult Social Care. Therefore, complaints about these services have been included in this report.

Directorate	2019/20	2018/19
<b>Adult Social Care &amp; Quality Standards</b> <i>(Including, Complex Management Team, LD Team, MH Team, Adult safeguarding &amp; DOLs, Provider Services )</i>	21 (54%)	21 (36%)
<b>Wellbeing &amp; Independence</b> <i>(Including Wellbeing, Prevention and Urgent Response Team, Occupational Health, Hospital Social Work Team,)</i>	12 (31%)	19 (32%)
<b>Integrated Commissioning</b> <i>(Including Brokerage, Strategic Commissioning, Contract Management)</i>	6 (15%)	4 (7%)
<b>Adults Business Support</b> <i>(Including Mobility, Telecare, Financial Assessment and Residential Financial Services)</i>	Not applicable (see note)	15 (25%)

Note: The Annual Report for 2018-19 included complaints received for Mobility, Telecare, Financial Assessment Unit, and Resident Financial Services. These are no longer

included in the Adults Social Care Annual Report because these services are no longer part of Adult Social Care.

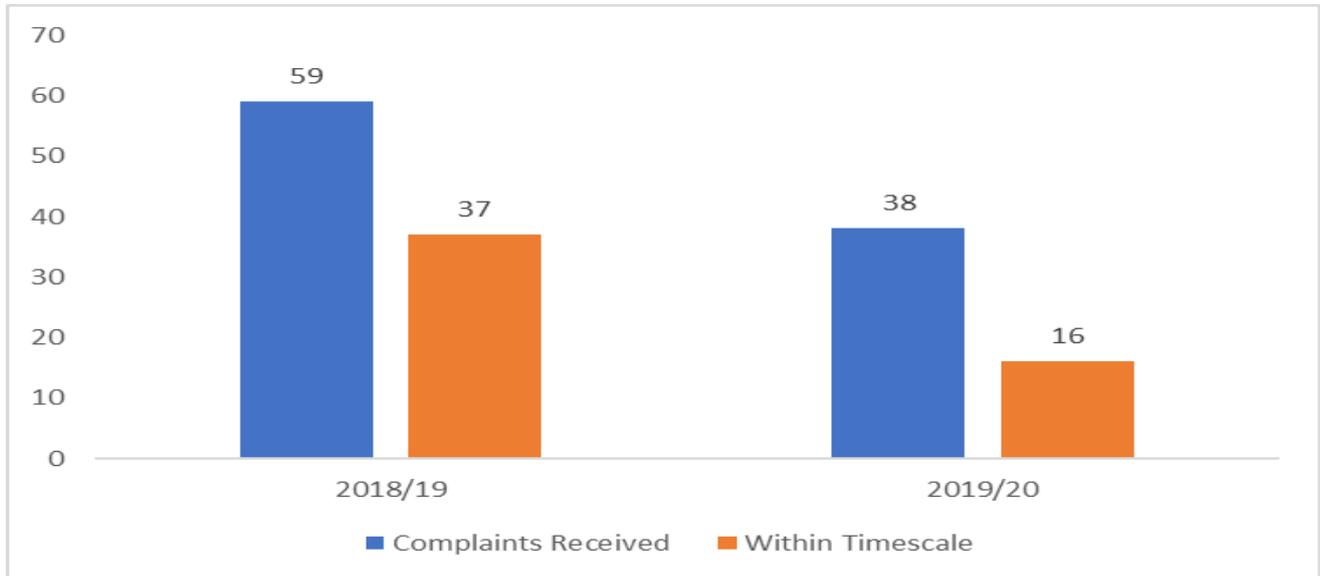
The following chart shows the channel used to contact the council regarding making a complaint during the reporting year 2019/20, compared with the previous year 2018/19.



The following table shows the reasons for making a complaint during the reporting period 2019/20 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
<b>Local Resolution Complaints (Stage 1)</b>	<b>39</b>	<b>7</b>	<b>14</b>	<b>17</b>	<b>0</b>	<b>54%</b>
Delay	4	1	2	1	0	75%
Poor Quality	11	2	4	5	0	55%
Non Provision	1	1	0	0	0	100%
Communication	9	2	3	4	0	56%
Policy and Decision	8	0	2	5	0	25%
Staff Attitude	6	1	3	2	0	67%
<b>LGSCO Complaints</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>50%</b>

The following chart compares the response timescale for complaints received during the reporting year 2019/20 and the previous year 2018/19.



It should be noted that 1 out of the 39 complaints received fell outside of the timescales for being able to make a complaint and was not investigated.

At 41%, the response rate achieved in respect of timeliness, is lower than that achieved in the previous financial year (66%). The Council recognises the need to improve on this. The Social Care Complaints Team will work with services towards improving this.

The Local Government and Social Care Ombudsman states that:

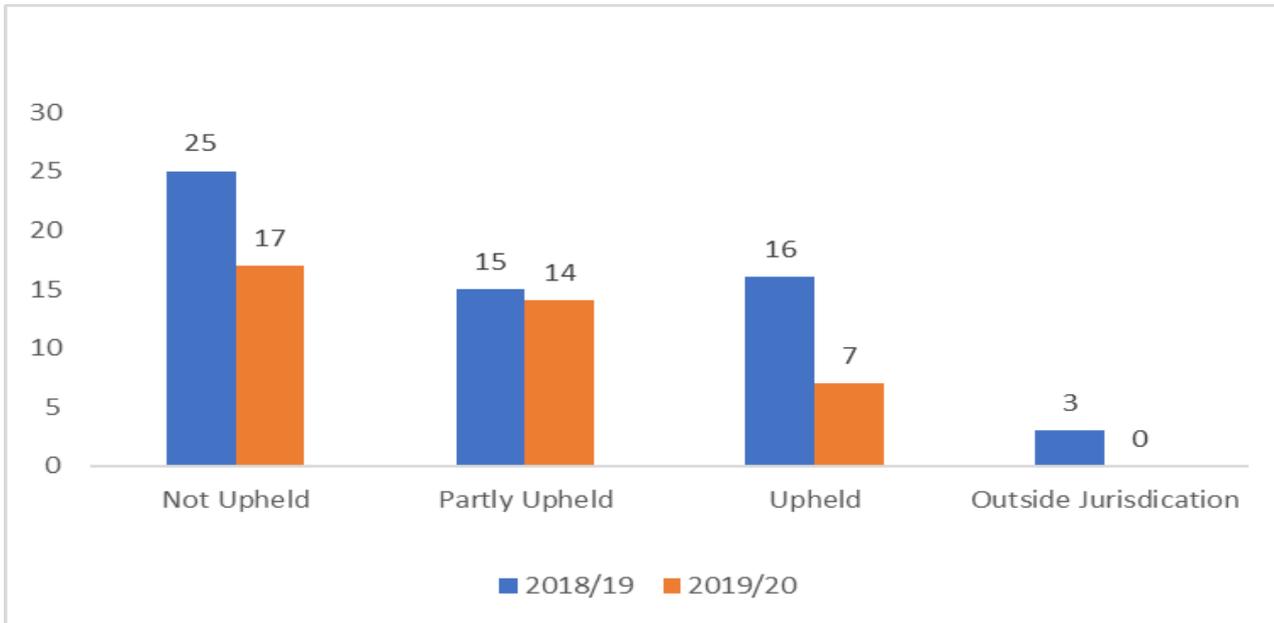
*'Many practical difficulties can be resolved if they are raised promptly and openly, even if it takes time to investigate what lies behind the presenting issues.'*

*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 LGSCO, 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 2019/20, compared with the previous year 2018/19.



Of the cases responded to, 54% were upheld or partially upheld during the reporting period 2019/20, compared to 64% in the previous reporting year 2018/19. 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 2019/20

- 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.
- During 2019/20 some of examples of improvements following LGSCO recommendations included:
  - Changes in the screening of Adult Safeguarding referrals-now moved to the Integrated Multi Agency Safety Hub (MASH).
  - Review of the triaging process upon receipt of a new referral
  - Case review within the Team to assess the learning from the complaint.
- 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.
-

## Future work programme for 2020/21

- 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.
- Improving Response Rate- The Complaints Team will continue to emphasize the importance of responding to complaints within timescales. We will continue to send reminders to the Service to avoid responses being delayed and potentially being escalated to the LGSCO. In order to improve the response rate we will liaise with the Quality Assurance Lead for Children and Adults to highlight Services where the response rate needs to improve. We will also include the Quality Assurance Lead into reminders for the Service of when the response is due.
- We will provide further commentary in the Quarterly Reports to indicate where issues exist in specific teams.
- Improvement on Service provision – Some complaints should be considered by Services as an indicator of areas that are failing to meet the minimum standard of Service that is expected from customers. Where similar failures have been raised in more than one complaint this may suggest that the Service needs to review if part of its Service delivery / procedures needs to be amended to improve on Service provision.