

# **Adult Social Care Complaints**



## **Annual Report 2017/18**

[www.lambeth.gov.uk](http://www.lambeth.gov.uk)

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## 1. Introduction and context

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The “Local Authority Social Services and National Health Service Complaints (England) Regulations 2009” (the Regulations) set out the way Lambeth Council must deal with complaints about its adult social care services.

The regulations require the Council to produce this annual report, which must give information about

- The number of complaints received
- The issues highlighted
- Whether the complaints have been upheld
- The number of cases referred to the Local Government Ombudsman’s service or the Health Service Commissioner
- What actions we have taken or will be taking because of the complaints received

### What is a complaint?

A complaint is an expression of dissatisfaction about an adult social care service, whether that service is provided directly by the council or by a contractor or partner, which requires a response. There is no difference between a ‘formal’ and an ‘informal’ complaint. Both are expressions of dissatisfaction that require a response.

As most of our work in adult social care is involved with supporting people to overcome problems, our staff will often hear about a lot of things that are not going as well as our customers would like. Service users and their representatives do not have to label an issue as a complaint in order for it to be addressed in line with our policy and the regulations. It is up to the Council to ensure it can recognise when an issue is a complaint.

### What comes under the Lambeth Adult Social Care complaints process?

The adult social care complaints process can be used where these relate to adult social care, which includes:

- Assessment and care planning by assessors, Occupational Therapists and Social Workers
- Our work in commissioning and contract management of social care service providers
- Financial assessment and charging in relation to adult social care
- Safeguarding adults enquiries regarding where there are concerns about abuse or neglect of an adult with care and support needs
- The Council’s Supervisory Body function under the Deprivation of Liberty Safeguards of the Mental Capacity Act 2005
- Handling Direct Payments for social care

- Client Affairs work such as
- Management of affairs such as through Appointeeship
- Management of affairs through the Mental Capacity Act 2005 such as acting as a Deputy
- In-house social care provision such as day centres that the Council manage

**The adult social care complaints process can be used to address concerns about things like**

- Quality or amount of service
- Charges for a service
- A decision
- Failure to follow correct procedure
- Delay
- Application of assessment and eligibility criteria
- Attitude or behaviour of staff
- Failure to communicate with people either reasonably clearly or in a timely manner

People who are paying a charge for home care and similar services may either seek a review of their assessed charge using the Council’s Fairer Contributions Policy Review and Appeals process, or they may make a formal complaint to the Council if they are dissatisfied with any aspect of the assessment. The flexibility to use either process is in line with the requirements of the “Fairer Charging Guidance”.

**What is not covered by the Adult Social Care complaints process?**

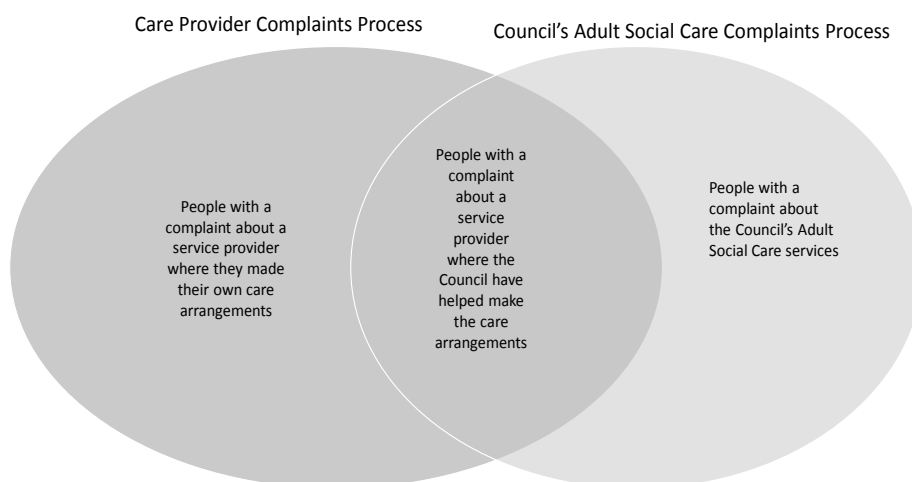
There are things that the Adult Social Care complaints process cannot be used for:

- Matters that should be dealt with through other procedures. This includes things that should be dealt with under
  - Disciplinary or grievance proceedings
  - Criminal investigations
  - Where a statutory appeals process is in place
  - Where the complainant intends to take legal proceedings in relation to the substance of the complaint
- A complaint by another organisation, unless that organisation is acting as the representative of the person as described in the section below
- Complaints which relate to contractual arrangements or other business arrangements made with the Local Authority

- Complaints by an employee of the Local Authority about any matter relating to that employment
- Complaints that have already been dealt with in line the Regulations
- Any complaint which is being or has been investigated by the Local Government Ombudsman
- Complaints arising out of the alleged failure to comply with a request for information under the Freedom of Information Act 2000
- Complaints arising out of the alleged failure to comply with a request for information under the Data Protection Act 1998

### Complaints about social care providers

Complaints about social care services provided by independent and voluntary providers will need to be responded to by that service using its own complaints process. However, where there has been involvement from the local authority, such as having commissioned the care from that independent provider, the matter will fall within the local authority complaints process as well as that of the organisation providing the service. This allows the local authority to track the progress of the complaint and scrutinise the outcome.



*Figure 1: The relationship between the Council's complaints process and a care provider's process*

### Direct Payments

Service users and their representatives cannot raise issues under the Complaints Procedure about services that they arrange and pay for themselves through a direct payment or a personal budget. However, issues can be dealt with under this process that relate to the Local Authority's role in Direct Payments or Personalised Budgets, for example in determining the amount of service or in the advice and assistance given in setting up and managing such payments.

## 2. How we respond to complaints

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The Regulations define two roles

- The Responsible Person: This person is responsible for ensuring compliance with the arrangements made under these Regulations, and ensuring that action is taken if necessary in the light of the outcome of a complaint. In Lambeth, this is the Director of Adult Social Care.
- The Complaints Manager: This person is responsible for managing the procedures for handling and considering complaints in accordance with the arrangements made under these Regulations. In Lambeth, this is the Head of Quality and Safeguarding Adults.

In practice, these roles are often delegated, with the Team Manager of the relevant social work team taking on the delegated Complaints Manager role and the Head of Service for that area taking on the delegated Responsible Person role.

Sometimes the complaints relate to the service provided directly by our social work teams, and others may relate to other parts of our services or to services we have arranged from another organisation such as a care home or community support service. The coordination of the response is done via our social work teams.

If the person who made the complaint is still dissatisfied after we have responded to their complaint, they have the right to appeal and the matter will be considered under a stage 2 complaint. Following this, if the person still feels dissatisfied by the response to their complaint, they can take the matter to the Local Government Ombudsman. The Ombudsman will review the situation and will reach a view as to whether the local authority has caused an injustice to the person or whether the way it has dealt with the matter amounts to maladministration. In serious cases, it may make its finding public.

The response to all adult social care complaints is now led by the relevant social work team and Mosaic (the Adult Social Care case recording system) is used for recording adult social care complaints. This allows the integration of complaints recording with client records to support the department in taking account of the whole picture of the work being undertaken with each person.

### 3. The complaints we received

#### How many complaints we received

Figure 2 shows how many complaints we received in each of the last five years.

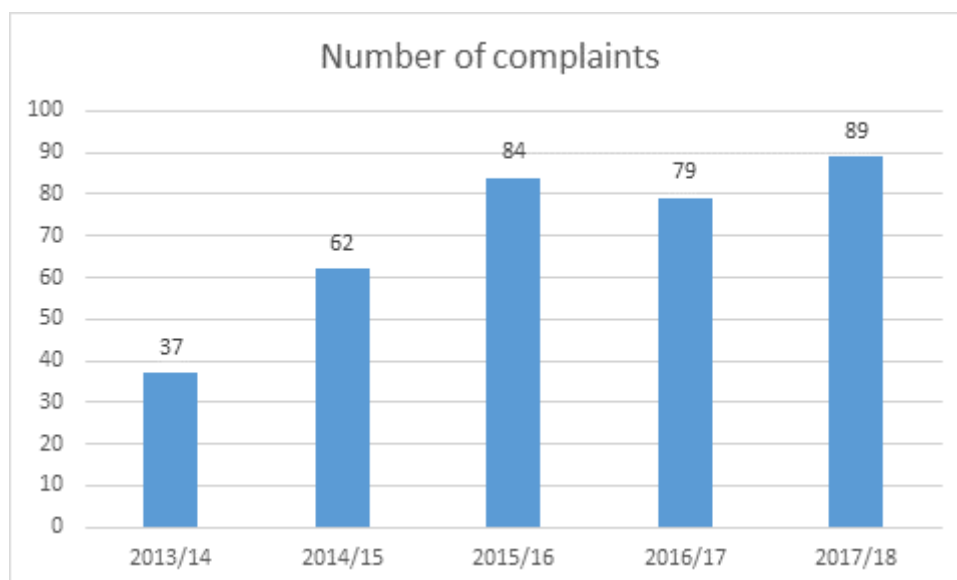


Figure 2: Complaints received by Lambeth Council Adult Social Care 2013/14 to 2017/18

For 2017/18 a total of 84 complaints were received, 5 of which went onto the Ombudsman.

The number of complaints received in 2017/18 has increased and returned to the same levels as those received in 2015/16. At the start of 2016/17 complaints were still being put on our iCasework system and it is possible there were some recording errors when we changed over to our MOSAIC client record. The increase in the numbers is not a surprise given the impact of our reduced staffing budget across Adult Social Care.

#### What the complaints were about

Table 1 and Table 2 shows the numbers of complaints received, broken down by the types of issues and by the types of complaint. Those shown under the heading 'Blank' are where the data was not recorded.

Table 1: Adult Social Care complaints 2017/18 broken down by the types of issues

Issues type	Blank	Assessment and social work	Deprivation of Liberties Safeguards	External Provider	Financial Issues	Occupational Therapy	Safeguarding Adults	Grand Total
<b>Complaint</b>	2	50	0	6	14	5	7	<b>84</b>
<b>LGO enquiry</b>	1	4						<b>5</b>
<b>Grand Total</b>	3	54						<b>89</b>

Table 2: Adult Social Care complaints 2017/18 broken down by the types of complaint (within above issues)

Issue category								
Blank	Communication	Delay	Eligibility for service	Financial	Other	Service Delivery or quality	Staff Conduct	<b>Grand Total</b>
1	17	2	6	11	5	39	8	89

Table 3: Adult Social Care service provider complaints 2017/18 by issue

	Issue category		
Issues type	Other	Service Delivery or quality	Grand Total
Complaint	1	5	<b>6</b>
LGO	0	0	<b>0</b>

This data shows that the highest number of complaints related to assessment and social work (61%) and that the second highest number of complaints was about service delivery or quality (44%).

### How quickly we responded to complaints

The average number of days that the MOSAIC record is open was 79 days, compared with 151 days last year. This however is the number of days between the MOSAIC work step being opened and the work step being closed and unfortunately does not necessarily tell us the time between the complaint being received and response being sent.

The average number of days between the complaint being received and response being sent was 52.2 days, down from 72.3 days from last year.

There are 42 blanks in the data for 'date response sent'. Of these, 19 complaints were not proceeding, which explains why no date was recorded.

For the remaining 23 cases, it is likely that the Manager mistakenly missed inserting the response date on the form, meaning the report could not pull this out. This missing data means that our reporting of response times is not 100% accurate. Given the number of gaps in this data, Adult Social Care commissioned an Independent Auditor to go through the Complaints Process as a way of providing some assurance on this. A simple and immediate solution identified is that we can amend our recording system so the date insertion is a mandatory step and cases cannot be closed unless it is completed.



## Were complaints upheld?

The table below shows the status for all complaints received, including those that went to the Ombudsman. Of those with a status recorded 24% were not upheld, 28% were partially upheld and 17% upheld. This compares to last year when 16% were not upheld, 19% were upheld and 23% partially upheld. Unfortunately 31% do not have a recorded status – some of this is because an investigation is still underway.

Issues type	Issue category	Complaint status:				Grand Total
		Blanks	Not upheld	Partially upheld	Upheld	
<b>Complaint</b>	Blank	1				<b>1</b>
	Communication	7		7	3	<b>17</b>
	Delay	1			1	<b>2</b>
	Eligibility for service	2	2	1		<b>5</b>
	Financial	4	3	3	1	<b>11</b>
	Other	2	3			<b>5</b>
	Service Delivery or quality	6	9	12	8	<b>35</b>
	Staff Conduct	4	1	2	1	<b>8</b>
<b>Complaint Total</b>		<b>27</b>	<b>18</b>	<b>25</b>	<b>14</b>	<b>84</b>
LGO enquiry	Service Delivery or quality	1	3			<b>4</b>
	Eligibility for service				1	<b>1</b>
<b>LGO enquiry Total</b>		<b>1</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>5</b>
<b>Grand total</b>		<b>28</b>	<b>21</b>	<b>25</b>	<b>15</b>	<b>89</b>

## Summary of Complaints made to the Local Government Ombudsman

In 2017/18 there were five complaints taken to the Local Government Ombudsman.

LBL Ref	LGO Ref	Summary	Outcome
UF208648	17008820	Alleged failure to comply with care plan and move her to a larger house	Not upheld
UF228860	17011738	Incorrect assessment of the person she cares for as having lower needs, resulting in her being paid less as a shared lives carer.	Upheld
UF222119	17012741	Council's refusal to assess the care needs of a 3 <sup>rd</sup> party.	Not upheld
UF238198	17018419	The Council's care needs assessments, care and support plans are inadequate, does not last for 12 months. The provider was changed without her	Still under investigation

		consent resulting in her daughter being unable to live as independently as she could.	
UF239840	17018547	The Council has unfairly restricted his ability to enter its buildings, will not provide an advocacy service for him, and is failing to meet his needs.	Not upheld

## 4. Making improvements

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In our Annual Complaints Report for 2016/17, we reported that there had been significant changes made to our complaints process. Adult Social Care updated the entire Complaints process to link the complaint with the existing online social care records. Also, incoming complaints were no longer dealt with by a single complaints manager, but by Managers within the Adult Social Care Teams responsible for the case.

A new Head of Safeguarding and Quality Assurance joined the Quality and Safeguarding Adult Service in November 2017 and was tasked with evaluating the effectiveness of this new process.

The Review undertaken included a consultation with the Managers newly responsible for responding to complaints. The review resulted in:

- Changes to the electronic complaints record to make this simpler
- Changes to the procedure for responding to enable faster responses to simpler issues
- Development of complaint activity reports to improve monitoring of responses

An independent audit of how Adult Social Care undertakes Complaints has recently been conducted by an Independent Auditor. The results and improvements made following this audit, will be reported in the Annual Complaints report next year.

## 5. Progress since last year

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As noted above, there have been a number of improvements made during 2017/18. The following two areas have been a key focus:

- *Timeliness of response*- there was no efficient mechanism tracking performance regarding the timeliness of responding to complaints. An online MOSAIC (where complaint are recorded) report was developed and this is now sent monthly to Complaints Managers to highlight the length of time passed since the complaint was first raised. These reports have helped to over half the average number of days we respond in. We however have further improvements to make in this area.
- *Addressing financial issues* – given that a number of financial related issues became complaints escalated to legal, MPs or the LGO, a project was set up during 2017/18 to improve systems and practice in this area. This has resulted in:

- An improved referral pathway to the Client Affairs Team (where people require assistance with managing their money)
- The production of a practice guidance document for Appointeeship, Deputyship and Financial Management
- A debt panel being set up which looks at effective collation of clients financial information including identifying which clients not paying their financial contribution may have lost capacity and require increased support
- Discussions with the Safeguarding Adults Board on how to improve safeguarding arrangements with the Department of Work and Pensions (DWP)

## 6. People who made use of our complaints services

### Did the person or a representative make the complaint?

Issue Category	Person representing themselves	Advocate	Friend	Legal Representative	Member of Parliament	Other	Other family	Spouse, Civil Partner or similar	Grand Total
Blank							1		1
Communication	2			1		4	10		17
Delay							2		2
Eligibility for service	3	1		1					5
Financial		1		1		1	8		11
Other						1	2	2	5
Service Delivery or quality	9	1	3	1	1	5	14	1	35
Staff Conduct	1						7		8
<b>Grand Total</b>	<b>15</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>11</b>	<b>44</b>	<b>3</b>	<b>84</b>

### Gender of the complainant

Female	Male	Grand Total
49	35	84

### Ethnicity of the complainant

Any Other Ethnic Groups	Asian or Asian British	Black or Black British	Mixed	Not Known or Stated	White	Grand Total
2	2	36	4	2	38	84

### Age ranges of complainants

Age Band	Total
18-65	38
Deceased	15
Over 65	31
<b>Grand Total</b>	<b>84</b>

## Primary need of complainants

Issues type	Issue category	Primary Support Reason						Grand Total
		Learning Disability	Mental Health	Physical Support	Sensory Support	Social Support	Support with Memory & Cognition	
Complaint	Blank			1				1
	Communication	2	1	7		3	3	17
	Delay	2						2
	Eligibility for service	1		3	1			5
	Financial	2	2	4	1		2	11
	Other			3		1	1	5
	Service Delivery or quality	4	2	26		2		35
	Staff Conduct	2		5				8
<b>Complaint Total</b>		<b>13</b>	<b>5</b>	<b>52</b>	<b>2</b>	<b>6</b>	<b>6</b>	<b>84</b>

## 7. Compliments

While Lambeth takes all complaints seriously, over the past year the department took a decision to start recording the compliments that were received too. This was to ensure that some of the good work that is undertaken can also be heard.

There were 10 compliments recorded during 2017/18. Three were related to Lambeth's Older Persons Services. Three were about Lambeth's Hospital Social Work teams. The remaining complimented the Initial Contact Service, Occupational Therapy Service and Lambeth's Every Pound Counts Teams. These show how hard practitioners continue to work to provide a good service despite the extreme pressures faced by social care departments at a time of increasing cuts to staff funding.

# Appendix A: Complaints process flowchart

