

**REPORT FOR: OVERVIEW AND
SCRUTINY COMMITTEE**

Date of Meeting: 7 November 2017

Subject: Adults Services Complaints Annual Report (social care only) 2016/17

Responsible Officer: Chris Spencer, Corporate Director People Services

Scrutiny Lead Member area: Policy Lead Member – Councillor Chris Mote
Performance Lead Member – Councillor Kairul Marikar

Exempt: No

Enclosures: None

Section 1 – Summary and Recommendations

This report sets out the statutory Adults Services Complaints Annual report (social care only) 2016/17.

Recommendations: None - for information purposes only.

Section 2 – Report

Financial Implications

There are no specific budget issues associated with this report. All compensation payments are agreed by Service Managers and are funded within existing budgets.

Performance Issues

There are no specific particular performance issues associated with this report.

Environmental Impact

N/A

Risk Management Implications

None – it was determined that there was no requirement to include the item on the Directorate risk register or establish a separate risk register.

Equalities implications

N/A

Corporate Priorities

The Council's vision:

Working Together to Make a Difference for Harrow

- Build a Better Harrow
- Be More Business-like and Business Friendly
- **Protect the Most Vulnerable and Support Families**

Section 3 - Statutory Officer Clearance

The Corporate Director determined the report did not require financial or legal clearance.

Annual Complaints Report for Adults **Social Care Services 2016/17**

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1. EXECUTIVE SUMMARY

The overall picture remains very positive and reflects a real commitment from managers and staff to resolve complaints as effectively, and as promptly, as possible. Low levels of escalation to secondary stages or the Local Government Ombudsman (LGO) further reinforces the fact that complainants are satisfied that their concerns are heard and dealt with appropriately and effectively.

There were some 113 “transactions¹” within the statutory complaints process during the year, i.e. representations, formal complaints and referrals to the LGO. Given the nature of some of the work undertaken, such as safeguarding adults and the transition of young people to adult services, it is positive that the numbers of complaints are so minimal. Thousands of service episodes are provided each year. During 2016/17, the number of clients that received Long Term services was 3,937; whilst 862 clients received Short Term Reablement service and 1,864 clients received either Short Term (other) or On-going Low Level services. Please note that some service users may have been in receipt of two or more services during the year (i.e. a service user received Reablement which ended and then received Long Term services).

During 2016/17 Adults Social Care Services:

- Received 9,523 requests for social care support from potential service users.
- Provided information and advice (including referrals to other organisations that could assist) to 3,111 clients.
- Ensured a total of 862 clients received home based short term Reablement services
- An additional 1,280 clients received other forms of short term support in response to their request, this included support like mental health counselling.
- A total of 3,937 clients received some form of long term support, which includes personal budgets, direct payments, residential and nursing care. 3,021 of those clients were actively in receipt of such services on 31st March 2017.
- Assisted 1,046 carers during the year. This included 387 instances of information and advice, 490 direct payments to the carer and 190 temporary support packages delivered to the cared-for person (e.g. to give the carer a break from their caring responsibilities).

During the year a single team - Adult Social Care encompassed all of the Adults statutory social work including Safeguarding Adults enquiries where difficult decisions regarding adults and their families sometimes leads to actions which are unpopular with service users, but necessary. Therefore, all of the complaints sit within a single team, whereas previously they were spread across different teams.

This report contains both positive messages and indications of areas needing more work.

¹ The total of representations, Stage 1, Stage 2 and LG Ombudsman referrals.

- Of particular note is the high level of representations (74) which are received as potential complaints but resolved informally to the satisfaction of service users. This is significant in showing that the Council is able to listen to concerns expressed and act promptly to resolve them. Whilst this is positive in terms of the service user's experience it also endorses that early resolution is more cost effective for the Council by avoiding escalation with associated costs of any investigations.
- The number of Stage 1 complaints continues to fall and the proportion of Stage 1 complaint responses sent within timescales remains very high at 88%.
- The relative escalation rate of complaints between Stage 1 and Stage 2 has remained relatively low at 9%. This reflects the successful efforts made by officers to understand and address concerns when they arise as complaints and representations.
- Better quality resolution work has meant that fewer representations moved on to a Stage 1 complaint. Indeed there were far more representations (74) than Stage 1 complaints (34) in 2015/16, compared to 2014/15 (61 representations and 41 complaints).
- All of the key actions that were set for 2016/17 have been met.

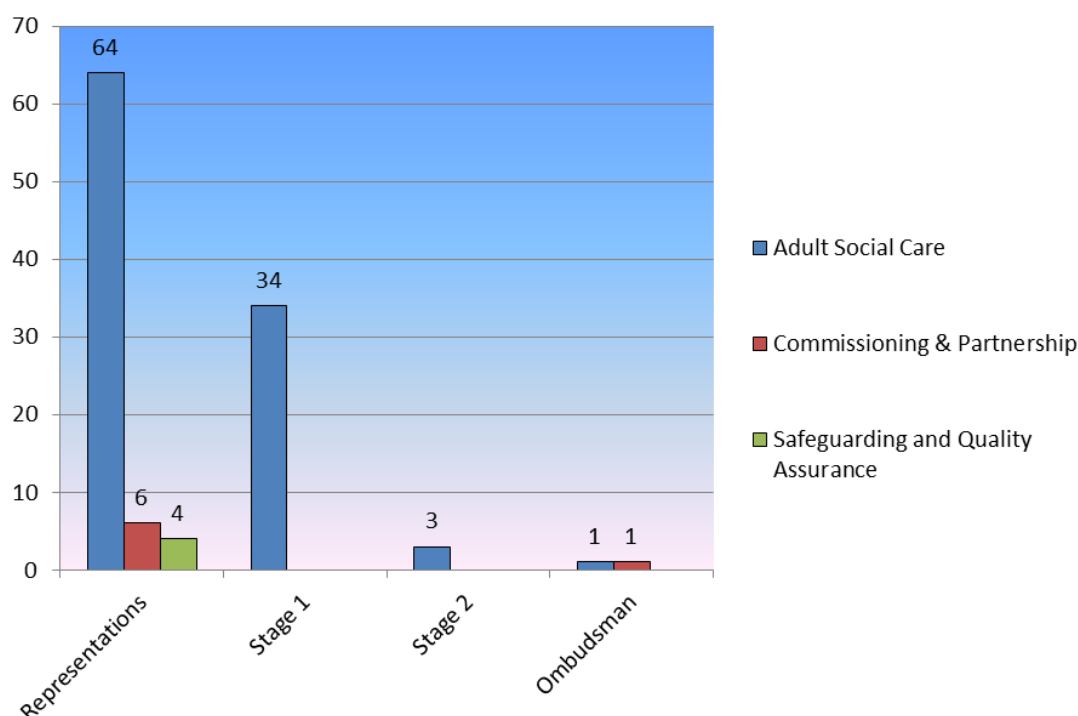
2. Summary of Activity

Between 1 April 2016 and 31 March 2017 there was the following activity:-

- The Complaints Service dealt with 74 representations i.e. potential complaints that did not lead to a formal complaint investigation.
- The Council received 34 Stage 1 complaints.
- 3 complaints progressed to the second stage.
- The Ombudsman received 2 new complaints during this period.

Additionally there were 68 MP and Councillor enquiries managed by the Complaints Team, which is an increase of 12% compared to the number (61) received during 2015/16.

Chart 1: Number of Complaints by Service area: April 2016 to March 2017



Number of Complaint Transactions by Service area: April 2016 - March 2017

Service Area	Representations	Stage 1	Stage 2	Ombudsman	Total
Adult Social Care	64	34	3	1	102
Commissioning & Partnerships	6	0	0	1	7
Safeguarding & Quality Assurance	4	0	0	0	4
Total	74	34	3	2	113

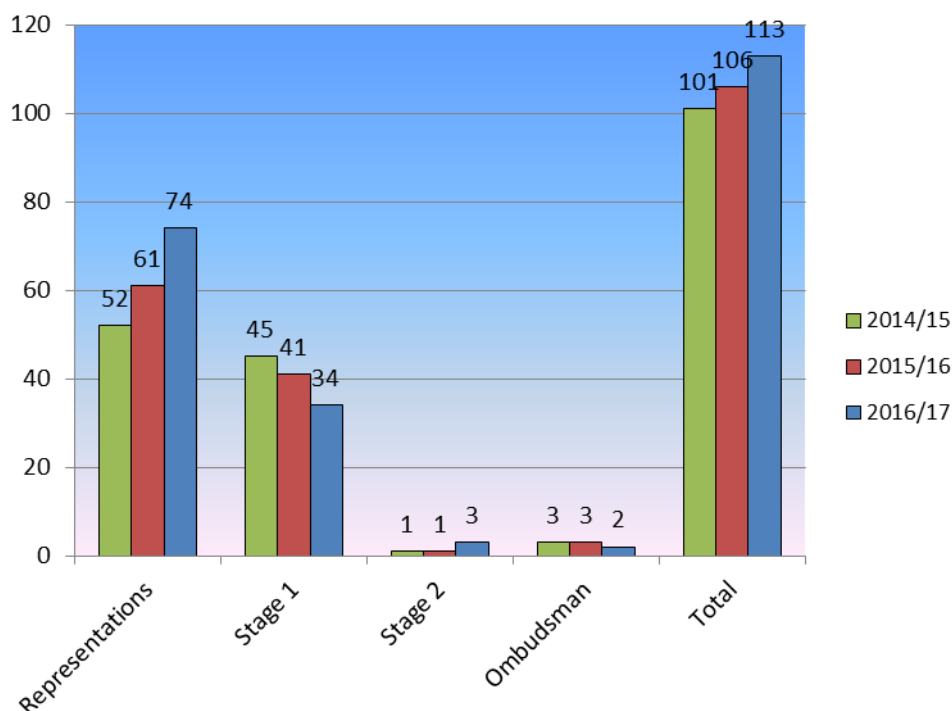
Key message: Overall the picture suggests a continuation of high quality investigative and governance standards.

Analysis: This year, there has been a significant reduction in the number of Stage 1 complaints, down by 7 (17%) on 2015/16. Reasons for this are considered in detail in section 5.1.

There was just three Stage 2 complaints, this represents an escalation rate of 9% of all Stage 1 complaints and as such is a relatively low level of escalation.

Neither of the two LGO referrals were upheld by the Ombudsman, that is they did not find any fault against the Council. There were three LGO referrals in 2015/16.

2.1 Comparison of complaints over the last 3 years



	Representations	Stage 1	Stage 2	Ombudsman	Total
2016/17	74 (65%)	34 (30%)	3 (3%)	2 (2%)	113
2015/16	61 (57%)	41 (39%)	1 (1%)	3 (3%)	106
2014/15	52 (51%)	45 (45%)	1 (1%)	3 (3%)	101

Key message: Overall the picture suggests a continuation of high quality investigative and governance standards.

Analysis: There was an increase in the number of total complaints or 'transactions' in 2016/17 (113), compared to 2015/16 (106). This was mainly due to the larger number of representations (increase of 13 from the previous year), there was a fall in the number of Stage 1 complaints (7) from the previous year, a small increase in Stage 2 complaints (3) and one less complaint was referred to the Ombudsman.

In essence, the above table shows the shift in focus of the complaints team to assist service users as well as social care teams to resolve issues at a much earlier stage in a more informal manner rather than through the more formal prescribed complaints process. A greater number of representations are now forwarded to the complaints team from social care staff, who have become

more aware of the benefits of ensuring a third party manages some of the queries raised during casework.

3. Outcomes for key targets in 2016/17

In the previous annual report the following were identified as key focus areas.

- To ensure that on time Stage 1 complaint response rates continue to exceed the local target of 75%
- To continue the core offer of training for front line staff and managers on complaint handling
- To update the complaints database to reflect the new teams within the People Directorate
- To review and update complaints literature and communications.

All of these outcomes have been met, for example, 88% of stage 1 complaints were responded to on time. The Complaints team also offered more one to one training sessions for staff members in handling complaints and reflective discussions with care managers who were involved in complaints received to manage future situations where complaints may arise.

4. Focus for 2017/18:

- To ensure that on time Stage 1 complaint response rates continue to exceed the local target of 75%
- To continue the core offer of training for front line staff and managers on complaint handling
- To update the complaints database to reflect the new teams within the People Directorate
- To review and update complaints literature and communications.

5. Stage 1 Complaints

5.1 Overall Activity

	Commissioning & Partnership	Adult Social Care	Safeguarding, & Quality Assurance	Total
2016/17	0	34	0	34
2015/16	1	37	3	41
2014/15	7	27	11	45

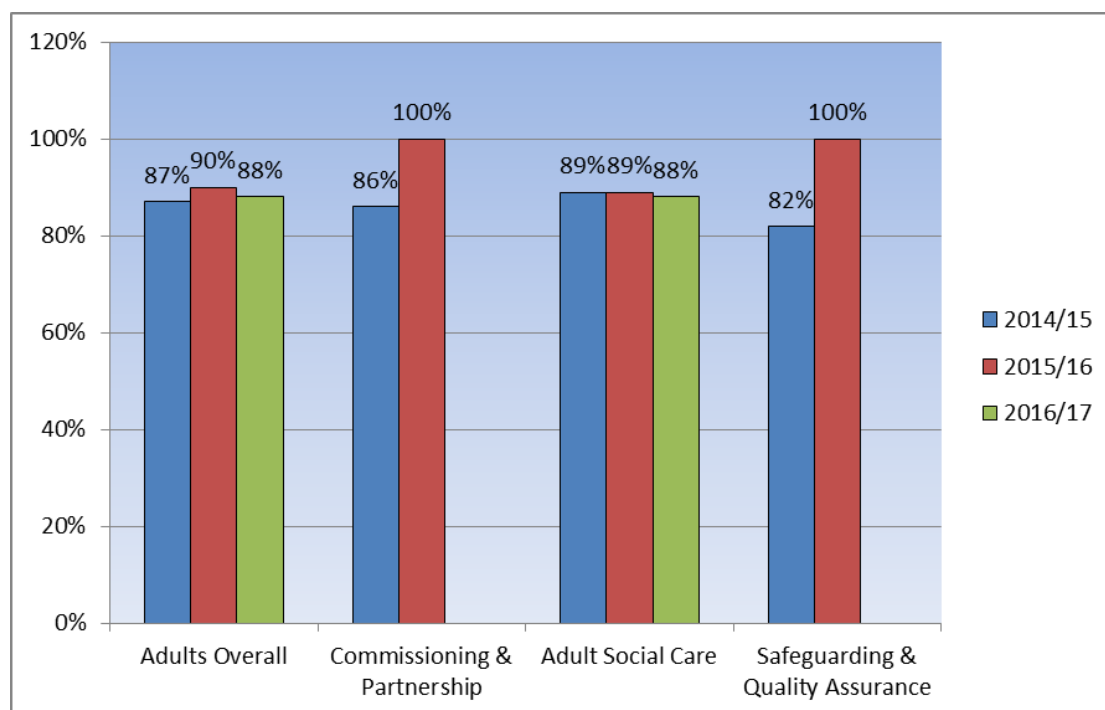
Analysis:

The number of Stage 1 complaints have continued to decrease over the past three years. The reasons for this include:

- Better quality resolution work has meant that fewer representations moved on to Stage 1 complaints. Indeed there were more than double the number of representations (74) than Stage 1 complaints (34) in 2016/17. In comparison during 2014/15 there were 61 representations and 41 Stage 1 complaints
- Training for front line staff to offer choice and control has resulted in a positive culture change throughout Adult Services, leading to higher levels of satisfaction

Adult Social Care, which manages all referrals for statutory services and contains the majority of the social work teams within Adults by the nature of the work will always receive the largest share of complaints.

5.2 Stage 1 response times



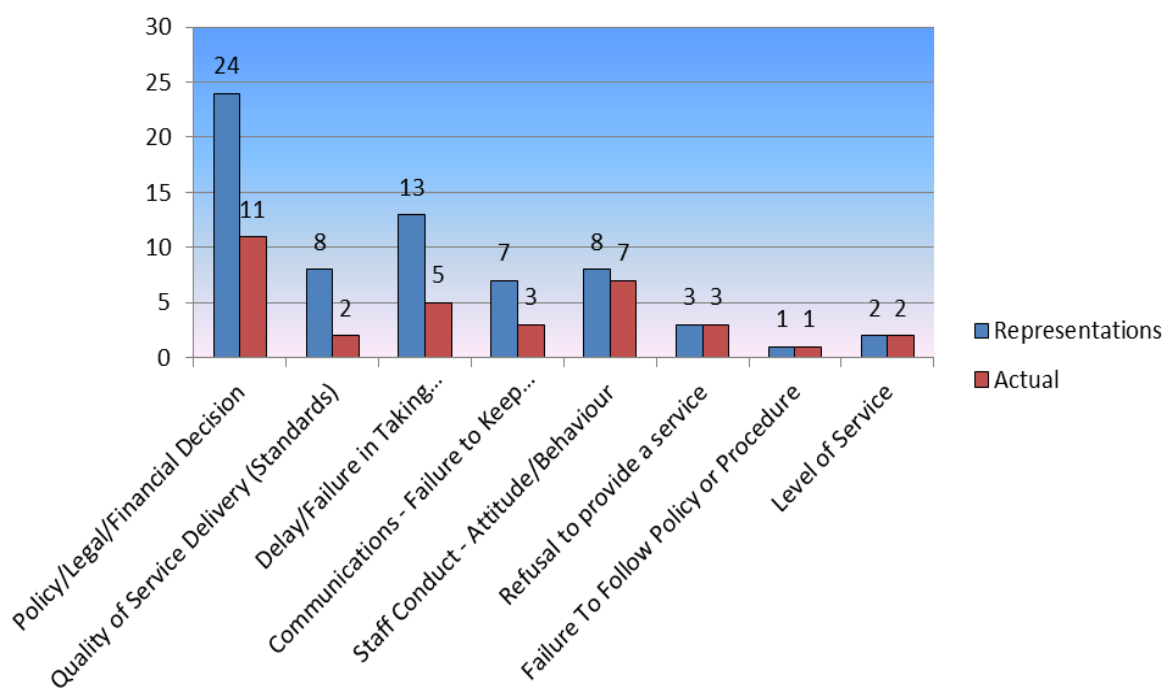
Analysis: All services areas exceeded the corporate target of 75%, with an overall level of 88% of complaints being dealt within timescale, this is a slight decrease from 90% for 2015/16.

5.3 Nature of complaints

Type of Complaint	Commissioning & Partnership	Adult Social Care	Safeguarding & Quality Assurance	Total
Breach of confidentiality				
Delay / failure in taking action or replying		5		5
Loss or damage to property				
Policy / legal / financial decision		11		11
Quality of Service delivery (standards)		2		2
Level of Service (e.g. opening times)		2		2
Refusal to provide a service		3		3
Staff conduct * attitude / behaviour		7		7
Failure to follow policy or procedures		1		1
Change to an individual's service - withdrawal/ reduction				
Communication - Failure to keep informed / consult		3		3
Discrimination by a Service				
Total		34		34

Examples of complaints by category:	2016/17 examples
Delay/failure in taking action or replying	Unhappy with the length of time for an assessment to take place
Policy/Legal/Financial decision	Disagreed with financial assessment outcome i.e. level of contribution
Quality of service delivery (standards)	Unhappy with duty service
Staff conduct – attitude/behaviour	Felt that the during a phone call a staff member was rude
Communications – Failure to keep informed/consult	General level of communication was poor

The table below shows the pattern of distribution across four complaint categories is relatively similar in both representations and all formal complaints. There was a much greater ratio of representations compared formal complaints around policy and financial decisions, quality standards, in taking actions and communications i.e. the complaints team and social work teams were able to work with service users and families to resolve issues to their satisfaction in a timely manner to avoid the need to embark though the formal complaints process.



5.4 Complaints outcomes

Service	Not Upheld	Partially Upheld	Upheld	Total
Safeguarding & Quality Assurance				
Commissioning & Partnership				
Adult Social Care	17	12	5	34
2016/17	17 (50%)	12 (35%)	5 (15%)	34
2015/16	17 (41%)	15 (37%)	9 (22%)	41
2014/15	13 (29%)	17 (38%)	15 (33%)	45

Key message: Managers and staff within service areas and the complaints team have worked towards a more balanced and open approach to complaints, where concerns from service users are recognised and receive appropriate responses. This includes the need to listen to complainants and adopt a less defensive approach when reflecting on practices and making decisions on the outcomes of each complaint. This has worked particularly well at the representation stage and resulted in a reduction of stage 1 complaints. However, some complainants have declined invitations to resolve matters quickly and informally at the resolution stage and asked for limited communication until a formal stage 1 response has been provided. This explains why the proportion of stage 1 not upheld outcome's has increased over the past three years.

6. Stage 2 complaints

6.1 Stage 2 complaint numbers and escalation rates

Service	Stage 1	Stage 2	% escalating to formal complaints
2016/17	34	3	9%
2015/16	41	1	2.4%
2014/15	45	1	2.2%

Analysis: There were three Stage 2 complaints in 2016-17, compared to one for during 2015/16 and also during 2014-15, despite the increase the escalation rate is still very low. Factors for this low escalation include the efforts made by the Complaints Teams, Service Managers and Social Work Team leads in meeting with complainants and families after Stage 1 complaints have been sent out. These resolution meetings have been helpful to resolve issues and also provides a platform to discuss and consider any service changes required to meet service user and carer needs.

6.2 Stage 2 Complaints and outcomes

Service	Not Upheld	Partially Upheld	Upheld	Total
2016/17	2	1		3
2015/16		1		1
2014/15		1		1

Analysis:

Although the number of Stage 2 complaints increased during 2016/17, two of the complaints were not upheld. The remaining complaint was partially upheld due to a delay in process. The table above demonstrates that for the past three years, Adult Social Care has performed very well in terms of upheld Stage 2 complaints.

6.3 Stage 2 Response Times

Year	Within time	Over timescale	Total
2016/17	2	1	3
2015/16	1		1
2014/15	1		1

Of the three Stage 2 complaints during 2016/17, two were completed in time. The third complaint was late because of the complex nature and the need to seek legal advice. The general pattern of responding on time remains.

6.4 Nature of complaint

Year	2014/15	2015/16	2016/17
Breach of confidentiality			
Delay/ failure in taking action or replying			1
Policy / legal / financial decision	1		1
Quality of Service delivery (standards)		1	
Quality of Facilities / Health and Safety			
Refusal to provide a service			
Level of Service (e.g. opening times)			
Change to Service - withdrawal/reduction			
Loss or Damage to property			
Failure to follow Policy or Procedure			1
Total	1	1	3

7. Stage 3 Complaints

There is no statutory Stage 3 complaint stage.

Context: The removal of review panels makes it more likely complaints will escalate to the Ombudsman, meaning it becomes even more imperative that errors are identified at an early stage and robust remedial action is taken.

8. Ombudsman complaints and enquiries

Analysis: There were three complaints concluded with the Local Government Ombudsman (LGO) during 2016/17 (one received during 2015/16 but concluded in 2016/17).

The LGO concluded in all three cases that there were no reasons to suggest the Council had acted inappropriately and therefore did not uphold each complaint.

Service	No finding against Council	Finding against Council	Total
2016-17	3	0	3
2015-16	2	1	3
2014-15	2	1	3

9. Escalation comparisons over time

Year	Average % escalation rate Stage 1- Stage 2	Number of LGO complaints
2016-17	9%	3
2015-16	2%	3
2014-15	2%	3

Analysis: The rate of escalation between Stage 1 and Stage 2 has remained in single figures over the past 3 years and the number of LGO complaints concluded within the year has remained at 3. This relatively low figures reflects the commitment to finding resolutions and listening to service users and their families, when concerns are raised during representations.

10. Compensation Payments

There was no compensation payments made during 2016/17. This compares with only one relatively small compensation payment of £500 during 2015/16. This indicates that 2016/17 has been another year where significant errors have not been identified against Adult social care.

11. Mediation

During 2016/17, there were four potential complaints that were resolved by the Complaints Team facilitating a meeting or mediation between complainants and Adult Social Care. Examples of mediation:

In one case the Harrow Association of Disabled People met with the social care Council staff and the complaints team mediated to discuss the financial situation between the Council and a client and to resolve a series of events that were in dispute.

The complaints team worked directly with Housing to ensure a range of necessary services and adaptations were delivered in line with the recommendations of Adult Social Care for a particular client with complex needs.

The complaints team and a Head of Service worked with an MP's office and the CCG as a client was unhappy with the quality of continuing care and needed assistance.

12. Joint NHS and Social Care Complaints

There was no (zero) joint NHS and Social Care complaints.

13. Learning Lessons/Practice Improvements

Examples of lessons learnt/practice improvements include the following

- A more streamlined process of allocation between Adult social care teams was initiated as it was highlighted from one case where the Reablement team reallocated a client between Long Term Care and a Personalisation Team, which was unnecessary and added delays.
- Sometimes the relationship between social care and health can be complex and confusing for service users to fully understand, as highlighted from several complaints. The resulting action was to ensure their staff are reminded to explain the relationship and process with continuing care assessments more clearly to clients and their families/carers.

- All teams within Adult Social Care should be made aware when communicating with clients with visual impairment of the need to ensure that communication is user friendly, for example, in large font.
- There was a delay in referral of a case to CNWL for a service user with a diagnosis of autism in line with the Autism Pathway at the time. This led to joint work between the Council, CNWL, CCG and Mencap in reworking the pathway and process.

14. Compliments

The majority of service users that compliment staff and the Council provide their feedback through verbal communication in care meetings or by phone. Examples of some of the written compliments forwarded to the complaints team by staff include

- *“Very productive and helpful meeting with the care managers who come to see us. They were pleasant, friendly and explained things clearly. Our aunt was quite relaxed with them and felt easy to express her concerns. We also appreciate their swift intervention in arranging help for her bathing and dressing also assistance in giving her breakfast and medication. We are all grateful for your help.” [Reablement]*
- *“I want to heap praise on a member of the Adult Social Care Team who has been absolutely marvellous in supporting my elderly mother into a Nursing Home. His knowledge of the subject and his patience in explaining all the complications was just amazing. I have thanked him personally but I do think you have an outstanding member of staff.” [Client Finance Team]*
- *“That’s a HUGE relief off my mum’s shoulders. Thank you on behalf of my dad and 2thank you for all the time you spent preparing everything, making sure everything that needed to come together did and most of all, for caring. Going into this we did not know what to expect and it helped my mum and I immensely to know that we had someone fighting my dad’s corner.” [Hospital Team]*
- *“Thank you very much for all your concern and support recently...you made a very positive difference” [Safeguarding Team]*
- *“Thank you, so very much for sorting out my flat for visual aid in regard to the lighting and the zebra grab handles. Goodness, what a difference. I can actually ‘see’ my way around more easily. The difference in the lighting is amazing and makes it better to make out where I am and in what area of the flat without so much trouble plus I can work out more easily what I am looking for, especially in the cupboard where I have been known to smash things off shelves. I would have never dreamt this could actually happen to assist me and I am in awe from your kindness and the improvement it has made.” [Sensory Team]*
- *“I would like to take this opportunity to bring to your attention how helpful a member of your team has been in the last year in regards to providing information I needed to help me with assisting my elderly father. Without this*

lady's assistance I would not have known what to do in my present situation."
[Reablement]

- *"Many thanks for all your support to my uncle. You phone calls meant a lot to him and also our family."* [Neighbourhood Resource Centre staff]
- *"It was lovely to see the Safeguarding Agency operate as it is supposed to. It was like a beam of light in what can be a dark place."*
- *"Many thanks for your support in assisting with the transfer of Marion. I just wanted to take time to say how helpful and supportive you have been."*
[Brokerage team]
- *"I wish to express our gratitude to a member of your staff, who up till lately has been addressing issues concerning my grandmothers care passage."*
[Support Planning]

15. Equalities Information

15.1 Stage 1 - equalities information of the service user

Gender of Service User	2015/16	2016/17
Male	11	11
Female	30	23

Ethnic Origin of Service User:	2015/16	2016/17
ASIAN OR ASIAN BRITISH		
Afghani		
Bangladeshi	1	
Indian	11	7
Pakistani	2	1
Sinhalese		
Sri Lankan Tamil		2
Other Asian	1	2
BLACK/BLACK BRITISH		
African	2	
Caribbean	3	1
Somali		
Other Black		1
OTHER ETHNIC GROUP		
Arab		
Chinese		
Iranian		1
Iraqi		
Kurdish		
Lebanese		
Other Ethnic Group		
MIXED		
White & African		
White & Caribbean		
White & Asian		

Other Mixed	1	
WHITE		
Albanian		
British	17	16
Irish		
Gypsy/Roma Traveller		
Irish Traveller		
Polish		
Romanian		1
Serbian		
Other White	1	
PREFER NOT TO SAY/NOT KNOWN		2

Disability	2015/16	2016/17
Yes	40	32
No	1	2
Unknown	0	0

Complaint made by:	2015/16	2016/17
Service User	5	9
Relative/Partner (often informal carer)	35	24
Advocate – (instigated by either carer or service user)	0	1
Solicitors	1	0

15.2 Stage 2 - equalities information of the service user

Gender	2015/16	2016/17
Male	1	0
Female	0	3
Unknown	0	0

Ethnic Origin	2015/16	2016/17
British White	1	1
Indian	0	1
Pakistani	0	1
Unknown	0	0

Disability	2015/16	2016/17
Yes	1	3
No	0	0
Unknown	0	0

Complaints made by	2015/16	2016/17
Service User	0	0
Relative/Partner (often informal carer)	1	3
Advocate – (instigated by either carer or service user)	0	0
Solicitors	0	0

16. The Complaints Process explained

All timescales contained within this report are in working days.

16.1 What is a Complaint?

An expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a local authority's adult's social services provision which requires a response.

16.2 Who can make a Complaint?

(a) a person who receives or has received services from the Council; or
(b) a person who is affected, or likely to be affected, by the action, omission or decision of the Council.

16.3 Stages of the Complaints Procedure

From April 2009, regulations removed the traditional 3 Stage complaints procedure for statutory complaints, replacing it with a duty to provide a senior manager organisational sign-off to every complaint response. The Council is expected to negotiate with the complainant how their complaint should be managed, including agreeing a timescale. If a verbal issue can be resolved by the end of the next working day, the regulations state this does not need to be recorded as a complaint.

Many complainants prefer a defined process and prefer to rely on the Council to identify a process to manage their complaint. To assist such complainants the Council produced a model procedure which complainants can use if they prefer. It is also used where complainants cannot be contacted to discuss how they want their complaint managed. Complainants are always advised in writing of their right to agree a different process if they prefer.

The stages of the Model procedure:

1) Local resolution

Timescale: 10 working days. 20 working days for complex

2) Mediation

3) Formal investigation

Timescale: 25 working days. 65 working days if complex e.g. requiring independent investigation.

For ease of understanding, the report uses a traditional stages reporting format. Local resolution being a Stage 1 and formal investigation a Stage 2. It is important to emphasise that these stages are very fluid so it is not uncommon to go immediately now to mediation or independent investigation.

Local Government Ombudsman

The Ombudsman is an independent body empowered to investigate where a Council's own investigations have not resolved the complaint.

The person making the complaint retains the right to approach the Local Government Ombudsman at any time. However, the Ombudsman's policy is to allow the local authority to consider the complaint and will refer the complaint back to the Council unless exceptional criteria are met.

16.4 What the complaints team do

- Letter-vetting
- Liaising with services to try resolve the issue informally
- Mediation
- Training
- Surgeries/raising awareness
- Learning identification and agreed actions monitoring
- Advocacy identification
- Chasing complaint responses

Section 4 - Contact Details and Background Papers

Contact: Report author: Peter Singh, Service Manager, Adults & Children's Complaints, 020 8424 1161

Background Papers: None