

# **Comments, Compliments and Complaints Service**

## **Statutory Social Care Adults Annual Report 2021-22**



**Laura Winkworth  
Voice of the Customer Manager**

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## Introduction – Review of the Statutory Complaint Processes

### Executive Summary

- 1.1 This report spans 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022.
- 1.2 Demand – Adult Social Care Provisions dealt with 24,407 cases in total for 2021-2022 and 127 formal complaints. This means a small minority of cases have transpired into complaints. (0.52%)
- 1.3 During 2021-22, a total of 62 contacts were received from MPs regarding Adult Social Care. We received 43 contacts in the previous year Enquires from MPs are often made on behalf of constituents who have queries about the quality of care being provided, or the company providing care.
- 1.4 How well are we doing? - The Adult Social Care Responsible Localities and supporting teams informed us of 225 compliments. However compared to last year this has been a decrease from 310.
- 1.5 Adult Social Care Statutory complaints increased in 2021-22 to 127, down from 108 in 2020-21.
- 1.6 The number of complaints dealt with by each area of Adult Services can be seen in part 4 of this report.

- 1.7 In Adult Social Care, 9 cases (7%) of complaints took longer than the statutory 6 months' timescale.
- 1.8 85% of complaints were completed within the statutory 6 months' timescale.
- 1.9 The number of formal Ombudsman investigations concerning Adult Social Care has decreased by 57.14% (from 7 last year) this year. There were 3 formal investigations that took place, and fault was determined in all 3 cases and were upheld.
- 1.10 The top five identifiable issues from complaints in adult social care were:
  - Disputed Financial charging/assessment
  - Dissatisfaction with Care Plan
  - Disagreement with Professional Decisions
  - Dissatisfaction with financial assessment/review
  - Delay in providing an assessment/review
- 1.11 Appendix 2 demonstrates learnings taken from these complaints.

## Compliments

2. We are very encouraged to report that compliments reported to our team by the Adult Locality Teams for 2021-22 is still a high figure (225) however compared to 2020-21, this is a decrease of 27.4% (310 compliments).
3. We have been told that social care staff are driven, professional, supportive, and sensitive. People have told us that staff go over and above their duties by persevering and adeptly handling complex situations. Compliments have also described social workers as Compassionate, caring and sympathetic, respectful and professional.
- 3.1 Appendix 1 shows some of the compliments the Adult Locality Teams have received that Comments and Complaints have been included in.

## Statutory Complaints

**We are required to follow legislation from Adult Social Care Statutory Complaints (Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.**

This table below shows the number of Statutory complaints, Concerns, MP enquiries and formal investigations we received in 2020 –21 compared to 2021-22.

	2020 - 2021	2021 - 2022	% -/+
<b>Statutory Complaints</b>	108	127	+17.5%
<b>Concerns</b>	92	98	+6.52%
<b>Ombudsman formal investigations</b>	7	3	-57.14%
<b>MP enquiries</b>	70	62	-11.42%
<b>Total</b>	277	290	

The numbers above for MP enquiries and concerns are associated with complaints/enquires that have been received directly to the Directors office and not for the whole of ASC. Please note that these numbers could be complaints but could also be service requests. It is recommended that work is undertaken to review how concerns and MP enquiries are recorded and categorized so that further detail can be provided on the nature of the contact.

- 3.2 Formal complaint numbers have increased by 17.5% compared to 2020-21.
- 3.3 Additionally, the Director for Adult Social Care responded to 16 enquires from Councillors on behalf of services users however this could be for a variety of requests, including customer complaints.
- 3.4 Whilst we are committed to providing access to a formal complaints process where issues cannot be resolved, we are also committed to building Restorative principles into the complaints process. A restorative approach to complaints may help us to remove barriers to communication by allowing honest conversations between complainants and social work staff and respecting each other’s views.
- 3.5 It is not about blame and assumes resolution rather than escalation, the objective being to restore relationships and resolve issues quickly. We work through a resolution plan with the customer, to encourage open discussion and as part of their plan we will be flexible in our approach in terms of what would be the best way to reach resolution with the customer, this may involve approaches such as arranging meetings directly between service managers and the customer to discuss their concerns directly but aid with Complaints support.

## Ombudsman Investigations

- 3.6 Whilst the Ombudsman contacted the Local Authority 14 times during 2021-22 about Adult Social Care complaints, only 3 of these contacts resulted in formal investigations. This is a reduction of 57.14% compared to the to 7 formal investigations that the Ombudsman undertook in 2020-21

This is a good result given that there were 127 formal complaints raised during 2021-22 that had the potential to escalate to the Ombudsman if they had not been successfully resolved at local stage.

This highlights the importance of continuing the preventive work we are doing with customers, including creating resolution plans to try and resolve cases at a local stage, addressing issues through ways that suit the customer, which could be having a meeting with the customer to try and address the issue directly.

Ombudsman Investigations 2021-22	Number of formal investigations 2021/22	Number of formal investigations 2020-21
Ombudsman Adults Social Care Investigations	3	7
Number of upheld Investigations	3	3

*Please note that numbers of complaints received, decided and compliance will differ as it only includes cases for each that occurred in the 21/22 year, if they commenced or concluded in a different year they won't be included in this report.*

Out of 3 Adults Social Care Ombudsman Investigations, 3 were upheld. All were found to be avoidable distress, and all resulted in financial remedy payments which totalled £ 850.00

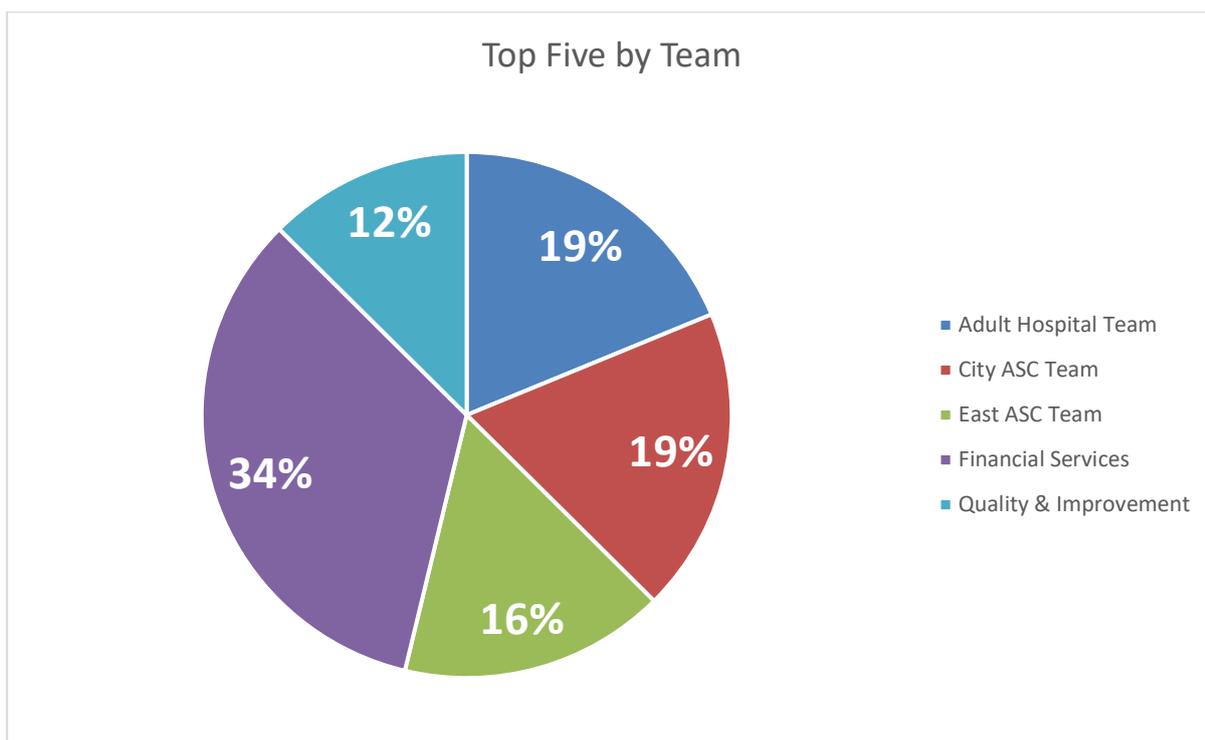
There were 3 key themes identified in these Ombudsman cases which are set out below:

- Failings in the way the Council and Trust handled a safeguarding referral due to lack of clarity around process and a subsequent complaint about the same matter. However, there is no evidence this led to a personal injustice.
- Care Provider withdrew customers home care package with no notice when it decided he and his wife may have COVID-19. There was then further delays with outsourcing another care package for the customer.
- Poor care provided by a third party care provider, care staff inappropriate and resulted in the care provider unfairly giving notice for the care to be terminated.

## Volume of complaints broken down into teams

The summary of all complaints dealt with through the complaint's procedure is detailed in the tables below.

Team	2021-2022	% of total cases across ASC 2021-22	+/-% on previous year	2020-21
Financial Assessment Team	27	21.2%	+17.3%	23
City Team	15	11.8%	+114.2%	7
Hospital Team	15	11.8%	+36.3%	11
East Oxfordshire	13	10.2%	+160%	5
Quality & Improvement	10	7.8%	-	-
South Oxfordshire	9	7.0%	+125%	4
Vale of White Horse	9	7.0%	+50%	6
West Oxfordshire	8	6.2%	+100%	4
North Oxfordshire	6	4.7%	+20%	5
AMHP	3	2.3%	0%	3
Moving into Adulthood	2	1.5%	-	-
Review Team	2	1.5%	-33.3%	3
Social & Health Care Team (Front Door)	2	1.5%	0%	2
Commissioning	1	0.7%	0%	1
Contracts	1	0.7%	-92.3%	13
Disability Team North	1	0.7%	-	-
Reablement Outreach Team	1	0.7%	0%	1
Safeguarding	1	0.7%	-85.7%	7
Sensory Impairment	1	0.7%	-	-
County ASC Team	0	-	-100%	8
Emergency Duty Team	0	-	-100%	1
LD Community Connections	0	-	-100%	2
LD Community connections	0	-	-100%	2
Shared Lives Teams	0	-	-100%	1
	127			106



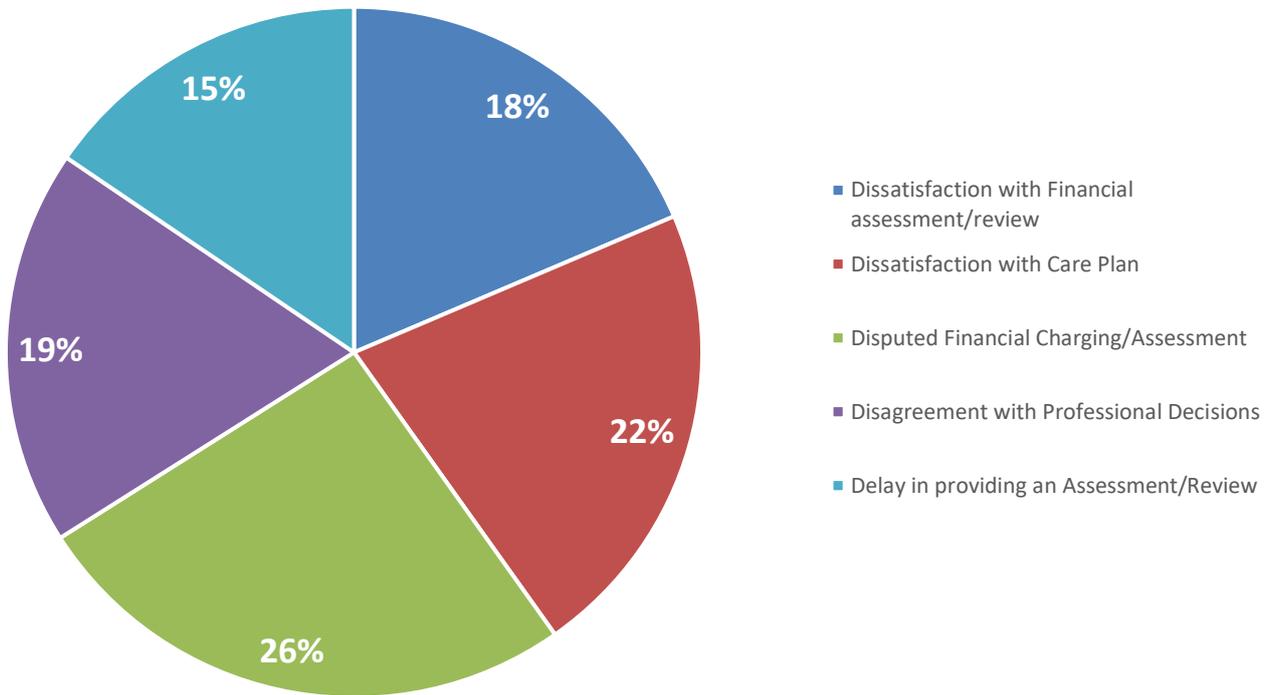
3.7 The biggest increase in complaints can be seen in all 5 Locality Teams, which all had an increase.

### Common themes raised in complaints

Top five themes – Social Care Teams	Times Raised 2021-22	Times Upheld	Times raised 2020-21	Times Upheld
Disputed Financial Charging/Assessment	25	2	8	4
Dissatisfaction with Care Plan	21	5	11	2
Dissatisfaction with Financial assessment/review	18	4	10	4
Disagreement with Professional Decisions	18	0	0	N/A
Delay in providing an assessment/review	15	5	6	2

The table above and graph below shows disputes over financial charging and assessments continues to be the most common theme throughout Adults Social care complaints.

### Top 5 Classifications



Other themes raised in complaints - Social Care Teams	Times Raised 2021-22	Times Upheld
Delay in providing an assessment/review	15	5
Poor Communication with Service User/Family/Other	9	5
Staff Attitude/Behaviour/Conduct	9	1
Confidentiality	4	2
Dissatisfaction with Budget/ Direct Payment	1	1
Delay in providing a service	0	-
Hospital Discharge	0	-
Recording Errors	0	-

The social worker and care provider are likely to have the most contact with service users and their families and therefore, it is not surprising that a high percentage of issues raised are in respect of such matters. However, it is also not uncommon to establish upon review that the concerns raised are the perception of family members and not necessarily that of the service user.

### **Below is a summary of the common themes extracted from complaints.**

- Customers not happy with their financial assessment or review, delays to their reviews, not agreeing that information is accurate.
- Dissatisfaction with care plans, and insufficient care packages put in place.
- Disputes over financial charging or assessment, disputes over care charges
- Disputes over care home costs. Issues regarding direct payments. Confusion over how the assessment process works & signposting.
- Disagreement with professional decisions being made, customers feeling they aren't always kept informed in regard to when or why a decision has been made.
- Issues understanding technical information given to the customer.
- Delays in providing assessments/reviews, customers feeling their expectations are not being managed, lack of communication. A recurring theme and still has the highest volume of complaints made about it.

### **Compliance with timescales**

- 1.1 There were 127 Adult Social Care complaints for 2021-22.
- 1.2 The Statutory Complaints Process stipulates complaints must complete the process within six months. 9 cases (7%) took longer than the statutory 6 months' timescale. 118 cases (85%) of complaints were resolved within the statutory 6 months' timescale.
- 1.3 At each stage of the process, we aim to agree a timescale with the complainant of 20 days for an investigation and response. Only 7% of cases were resolved within 20 working days & this requires significant improvement. Some of the key themes in delays to the complaint progressing was
  1. Delays within the complaints process & process inefficiencies.
  2. Changeover of staff & communication issues.
  3. Customer delaying the process due to personal reasons.
  4. Complaint being passed round different services; no ownership being taken.

## Complainant demographics

1.4 Of the 127 complaints (note that some cases fall into one or more categories)

- 85 complaints were from service users who are over 65
- 8 were from service users with a Learning Disability
- 28 were received from service users with a Physical Disability
- 6 were received from service users receiving support for Mental Health
- 4.9% of complainants are known to be from a BAME background.

## Appendix 1 – Great work delivered across Adult Social Care

### Deputy Director Of Children's services

"I am writing to you to simply say thank you for the help you have given me over the past year in regards to the care of my children during a time where my mental health was at its worst. I may not have appreciated or noticed the help at the time, however, reflecting back on the past year I have realised that the support from people including social services was in the best interest of myself and my children - at the time I am aware it was important and crucial to keep everyone safe.

I really wanted to send this email, not only to thank you, but also to let you know how much I have progressed. I have been working very hard on my well-being and mental health since the beginning of December 2021 and I have not had a mental health episode since."

### ASC Vale Team

"My sister and I are grateful for the help, advice and support you have provided during my mother's transition from living at home to becoming a resident at X. This has not been an easy time for any of us and we are glad that the move has been facilitated relatively smoothly. We are happy that my mother is now comfortable, safe and well looked after."

### ASC North Team

"She said you were the best social worker she has ever had... and she has two children with specialist needs so that is a real compliment! Thank you so much for being a great listener and completely focused on what will work for X and his mother"

### Hospital Teams

"Thank you so much for your help and advice earlier, just wish all social workers were like you, you actually understand that my mum is my mum and not a number on a page"

### North Oxfordshire

"We would like to say how professional, friendly, well-mannered and knowledgeable X was when he came to our home to do an assessment on my husband. He made us both feel very relaxed and at ease and that nothing was to much trouble."

### Vale of White Horse

"Thank you again for the continued support. From the bottom of my heart, thank you to X, to you for your amazing prompt and professional, understanding and compassionate support. We knew she would be as supportive and was just so lovely and amazing to put you on my case to move my situation in the right direction."

### AMHP

"I would like to say a huge thank you for all your hard work, dedication, compassion and care displayed this week to ensure that this gentleman was transferred this evening to an appropriate environment to meet his needs under section 2, I know that this gentleman's very sad case has evoked some difficult emotions in us all."

### Hospital Teams

"I just wanted to give a small feedback on one of the social workers currently allocated to our ICU: X. X has been with us very shortly, but his influence is very visible: he has been a breath of fresh air and he just so "hands on", he is resolving complicated issues with such an ease that is just amazing. Nothing is too difficult for him, and his communication skills are just wonderful: he is keeping us all in loop as we go, and he is genuine gem within the Team.

### ASC West Team

"I followed this up with her GP and requested a Mental Health Assessment. X from the mental Health Team conducted a full 2 hour examination with Mum last week and it appears that there is probably some sort of dementia creeping in. We are in the early stages of investigation at present but your observations have opened a door for us - I am grateful, as I was feeling a bit like a rabbit in the headlights.

### Safeguarding

"Thank you for being so patient and helpful with X, X and myself, doing your utmost for our dear mum's needs alongside X. It has been a very stressful year for us as a family, however, we sincerely feel that we have been looked after very professionally by yourself and X"

### Sensory Impairment

"You are an amazing Social worker with use of BSL. Thanks for all the support in my life and children's."

## Complaints Improvements delivered:

- 2.12.3 Last year the Complaints service was moved from the Law and Governance directorate to be part of the Voice of the Customer Team and wider customer experience function within the Customer Services Directorate.

The purpose of The Voice of the Customer Team will be to look at the whole customer experience and will include customer engagement and insight. This will enhance our service delivery but will also give us the opportunity to reflect on customer feedback, ensuring there is a constant feedback loop and the customer's voice is cooperated into services development and plan.

Not only has the service moved to the customer experience arena but we have reviewed our processes to ensure they are fit for purpose and continue to work to improve these and we now part of a wider continuous improvement team who can help us continue to enhance and grow our service.

The Complaints service is committed to improving compliance and we have recently implemented a complaint case management system, this ensures that there are robust processes in place to ensure potential delays are identified earlier on. This has also meant that our data quality has improved, and audit trails are more robust.

We are looking to increase our ability in the system function, looking at where we can align processes across the organisation to allow us one view of the customer. This means we will be able to see the complete customer journey and provides opportunity to join our approaches up.

We have reviewed the way we record data and enhanced our reporting to provide more valuable reporting to key stakeholders in the organisation, empowering them to make decisions based on customer feedback we are receiving and to take accountability and encourage colleagues to see complaints as a valuable source of feedback.

## Appendix 2 – Learning from Complaints and making improvements in Adult Social Care

In the table below are some of the key learnings that have come from complaints for 2021-22. Services are expected to assess the risk around each area of improvement and make recommendations on what needs to change following customer feedback and the outcome of these complaints. These could be learnings that can be implemented quickly such as simple process change or it could be that these are actions that need to be factored into the Council's service plans.

### **Communication**

- ✓ Follow up emails to care agencies to double check actions have been received and will be actioned as agreed.
- ✓ Social workers to be transparent in conversations and conversations are recorded properly, understanding and agreement is in place by all parties and service users are provided information in writing.
- ✓ Communication strategies are embedded, particularly where there is change over of staff and providers. Ensure that all information is recorded so that error is reduced when case is handed over to new member of staff.
- ✓ Taking the time to explain processes clearly and effectively
- ✓ Clearly communicate what actions we are recommending and or/undertaking on the customer's behalf
- ✓ Ensuring that social workers inform service users and families of the complaints process and their right to make a complaint at an early stage.

## **Assessment and Recording information**

- ✓ Assessments must be shared with service users and families before they are finalised
- ✓ Ensuring contingency arrangements are clearly identified in support planning/working creatively with colleagues to source care/utilising other options to access care in the community
- ✓ Reducing the time taken to carry out assessments
- ✓ Supervision should be used to monitor and support staff to progress work in a timely way and to flag up reasons for delay.
- ✓ Ensuring regular case audits take place to ensure records are being appropriately maintained and this is built into the ongoing supervisory process of social workers.
- ✓ Ensure when we use different terminology, we are clear what we are referring to. The term Assessment and Review is used interchangeably and in reference to both care needs and finances this can be confusing. Ensure we are communicating what this means for the customer to minimise misunderstandings

## **Making customers feel valued and their voices heard**

- ✓ Explain the process clearly and be transparent
- ✓ Manage our customer's expectations, even if we have no update for the customer
- ✓ Review technical information and inform the customer in a simple way
- ✓ Keep all parties in the process informed where required to ensure no miscommunication between parties involved.
- ✓ Be flexible in our approach to handling complaints, make judgement about the best way to handle the situation, that provides the best and timely outcome for the customer. Listen to the customer and understand their priorities, not every complaint needs to be addressed through formal process.

## **Finance**

- ✓ Communicate clearly to the customer our actions we are recommending/or undertaking on their behalf and progress this timely where possible. The financial implications of those actions for those concerned are clearly and accurately communicated and all parties are kept up to date with development in a timely manner.
- ✓ Clearer information about how funding works for unexpected changes in care
- ✓ Direct payments – staff to follow correct procedures; improve families understanding of the process by sharing and clarifying the Direct Payment process; avoid delays in signing-off Direct
- ✓ Hospital teams to ensure that financial information about care home fees is clear and accurate
- ✓ Manage customer expectations and be upfront about payments they will need to make in the future
- ✓ The Council takes its responsibility to provide timely advice and support to those wishing to access a direct payment very seriously. We have developed a new Direct Payments Advice Team who deliver dedicated support to our professionals and service users to decrease delays and ensure the correct advice is accessible to our customers.

## Care Providers

- ✓ Improving communication with Next of Kin (care home and home care).
- ✓ Improving communication and the reporting of safeguarding concerns
- ✓ All decision-making around care and support planning is clearly recorded within the appropriate paperwork and all relevant parties are involved.
- ✓ Carry out more spot checks and make contact with hard-to-reach customers (home care).

## Recommended actions:

2.12.4 There have been some key recommendations identified through the analysis of data in this report:

- It is recognised that complaint compliance needs to be improved. Customers should not have to wait longer than policy timescales for complaints responses. Complaints should be extended within reasonable time if necessary and this should be the exception; it is imperative that customer expectations are managed if complaints do need to be extended.
- Align the complaints process with the escalated communications process, (including MP enquiries and concerns) to provide consistency to approach resulting in a better customer experience.
- Align the compliments process, compliments should be recorded in one place to avoid duplication.
- Review Adults complaint timescales, and process. It has been identified that we could move to a more flexible approach in how we manage customer complaints based on how complex or simple they are to resolve this would result in waiting times being reduced for customers.
- Review of Adults complaint process to ensure it is robust and equipped to deal with the Adult Social care reform impact and changes.
- Review of complaints process with Oxford Health with the view of a more joint up approach and reporting mechanism.
- Further enhance our system development to ensure an inclusive and dynamic process between the Complaints team and the service, creating one view of the customer and ensuring accountability.
- Repetitive trends to be monitored and regularly shared with Adult Social Care to prevent recurrence.

- Continue to be responsive, listen to concerns and act on any failings Adult Social Care Complaints and Representations 2021/2022.
- Continue to work closely with the Local Government and Social Care Ombudsman, ensuring any Ombudsman enquiries are responded to within the timescale given, all recommendations are actioned promptly and any learning from the Ombudsman complaints are disseminated across the service area.

## Appendix 3 - Adults Social Care Complaints Procedure

**The Local Authority Social Services and National Health Services Complaints (England) Regulations 2009 requires local authorities to have in place procedures for handling complaints made by or on behalf of the service users (or potential users) or social care services provided to adults.**

The way we deal with representations and complaints relating to Adults Social Care is set by Central Government. As a result, the process and timescales for dealing with them may vary dependent upon the type of complaint or representation being made.

Who can use this process?

- a person who receives or has received services from Oxfordshire County Council
- a person who is affected by, or likely to be affected by, the action, omission, or decision of Oxfordshire County Council
- by a person acting on behalf of a person mentioned above who:
  - has died
  - is a child
- is unable to make the complaint themselves because of physical incapacity or lack of capacity within the meaning of the Mental Capacity Act 2005
  
- If the complainant has a private arrangement with a social care organisation or provider, they will need to raise their complaint with them.
  
- Our complaints policy cannot change decisions made by a court of law. We may not be able to help if the event you are complaining about occurred longer than 12 months ago.

On receiving a customer's complaint, we will acknowledge it in writing within three working days during this period we will contact the customer and discuss a complaint resolution plan with them. The resolution plan aims to set out:

- The complaint issues
- Desired outcome and customer expectations
- Timeframe in which agreed actions will be carried out.

The agreed resolution plan is discussed with the Investigating Manager and we aim to respond to customers within 10 working days. The actions could form a response letter or meeting with the customer. This is a flexible approach to resolution and aims to resolve the complaint in the most efficient way. A written response is subsequently sent to the complainant by the manager which explains how the complaint was investigated, conclusions reached, and any service improvements as a result of the complaint. This first resolution stage is usually dealt with by a service manager.

If the customer is not satisfied with the outcome after the Initial Review, they should let us know why within 28 days.

### Review

If the complainant is not satisfied with the response, they can request a review by a more senior manager. The local authority has to then decide if a review is warranted and respond accordingly.

The review will normally be undertaken by a Senior Manager or Head of Service. In some circumstances a further review may be undertaken at Deputy Director/Director level.

The local authority must provide its response to the complaint within 6 months of receipt. However, we aim to resolve the complaint within 45 working days. If we are unable to do so, we must provide a written explanation which outlines when the customer can expect to receive their response.

### **Ombudsman**

At any time, complainants can approach the Local Government and Social Care Ombudsman for a review of the case. Usually, the LGSO only considers complaints once the Local Authority's complaints procedure has been fully exhausted.