

Adult Social Care

Complaints

Annual Report
2020-21



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Annual Complaints Report 2020/21

Introduction

The purpose of this report is to provide an overview of the complaints which have been received by West Berkshire's Adult Social Care during the financial year 2020/21.

The majority of complaints processed by Adult Social Care within West Berkshire are undertaken using the framework set out within the West Berkshire Adult Social Care Complaints Process. This is currently a two stage framework as set out in 'West Berkshire Complaints Procedure – Adult Social Care (Nov 2010)', however this is currently under review and due for revision.

Informal Resolution: Complaints that are logged with a service (such as a Care Home or within a locality service) are resolved informally at a local level. These complaints are not logged formally with the Complaints Manager and therefore are not included in the annual complaints return.

Stage 1: Formal Investigation: Complaints are formally investigated by an appropriate manager within the agreed timescale. Following this, if the Complainant remains dissatisfied with the response, a Complaints Meeting can be offered.

Stage 2: Escalated Investigation – investigation usually carried out at Service Manager or Service Director (if required) level.

In addition to this, a small number of complaints are processed using the Corporate Complaints framework. This process is used when the concerns being complained about relate to issues outside of Adult Social Care itself, such as the process used to invoice for care. These complaints are not included in the figures being analysed in this report, despite having come into the service in the first instance.

West Berkshire Council believe that maintaining effective working relationships with service users and (where applicable) their families throughout their involvement with Adult Social Care is an important part of achieving the best outcomes for our service users and have continued to adopt a Restorative Practice approach to complaints where possible.

Where it has not been possible to resolve a dispute using the Adult Social Care Complaints Process, the complainant will be directed to the Local Government and Social Care Ombudsman.

Should it become apparent that a service user or family member, is repeatedly raising the same or similar concerns with the Adult Social Care staff or other bodies and that this is having a negative impact on carrying out any on-going work, the Complaints Manager has the discretion to enter these concerns into the complaints process to help achieve a resolution. In these circumstances, the concerns do not have to have been presented to the Council as a complaint.

Occasionally the Council may deem that it is necessary to implement the Persistent and Unreasonable Complainants Process.

This process can be used;

- Where a complaint has been responded to fully and a complainant continues to raise the same or similar issues
- Where the frequency and/or length of complaints from an individual is preventing the day-to-day working of the Adult Social Care teams. In these circumstances the Council can introduce a Single Point of Contact (SPOC) arrangement and /or can specify the frequency and method of contact with a particular team or the Council as a whole.

The full details of the Persistent and Unreasonable Complainants process can be found on the Council's website

A copy of the Annual Complaints Report is published on the Council's website each year.

Complaints: A definition

A complaint is described as an expression of dissatisfaction with the service the Council has provided. Feedback from users is important to the Council as it provides not only an opportunity to identify why people have found our services unsatisfactory, but also a means of identifying how the services being provided can be improved.

Any adult receiving care from West Berkshire Council is entitled to use the complaints process, we also accept complaints from their family or representatives who support them. Every person who makes use of the complaints procedure is advised of their right to assistance from an independent advocate and is given information about how to access the advocacy service if they wish to do so.

Issues regarding the delivery of social care services are dealt with under the Adult Social Care Complaints Procedure.

Complaints may be received via any employee or office at any level of West Berkshire Council and are then directed to the relevant department depending on the nature of the complaint.

Complaints figures and statistical analysis 2020/21

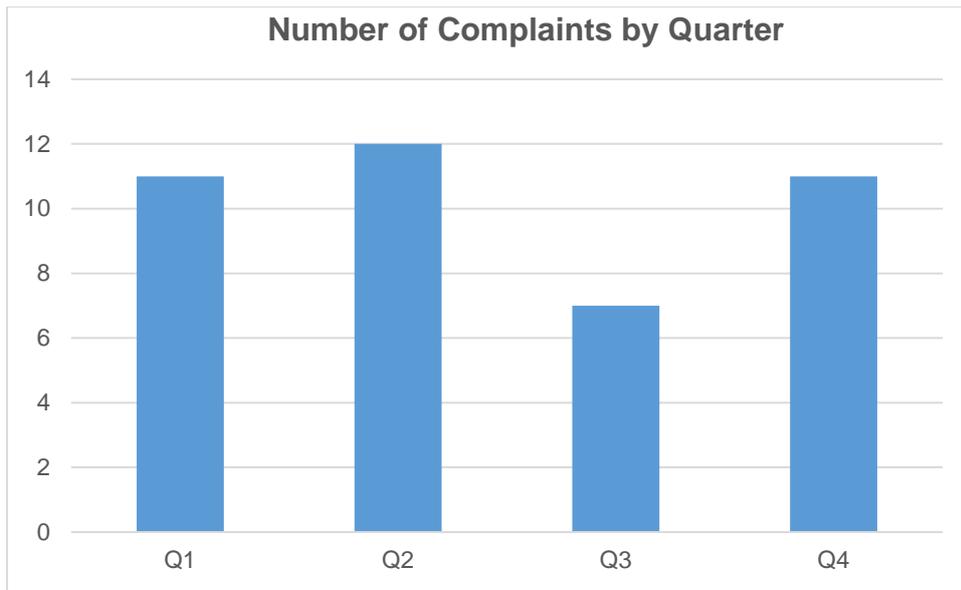
Introduction

During the financial year 2020/21 **41** complaints were received by Adult Social Care Services. This comprises of 38 complaints made against WBC and also against providers (where the package of care is funded by WBC) and 3 complaints against services (not relating to an individual service user).

This is a significant **decrease** (50%) on the number of complaints received by Adult Social Care during 2019/20 when **82** complaints were received. This reduction in the number of official complaints received undoubtedly reflects the effects of the COVID 19 pandemic and the national lockdowns. A similar reduction in the numbers of Adult Social Care complaints has been reflected in other neighbouring authorities in the Southern Regional Complaints Managers Group. Colleagues have reported that whilst daily contact from a small number of service users increased dramatically during the first national lockdown in particular (maybe a reflection of the increased anxiety that people were experiencing at this time), the numbers of formal complaints made decreased dramatically and this behaviour was very similar to that which was experienced in West Berkshire. This is a very different outcome to that experienced by WBC Children's Services during national lockdowns.

	Total number people in receipt of long-term ASC service	Total number of Complaints
2019/20	2161	82
2020/21	2222	41

Quarter	Complaints by Quarter				Total
	Q1	Q2	Q3	Q4	
Volume	11	12	7	11	41



Analysis of the complaints received by quarter show an even spread of complaints received during Q1,2 and 4 with a significant dip during Q3. This covered the second period of national lockdown.

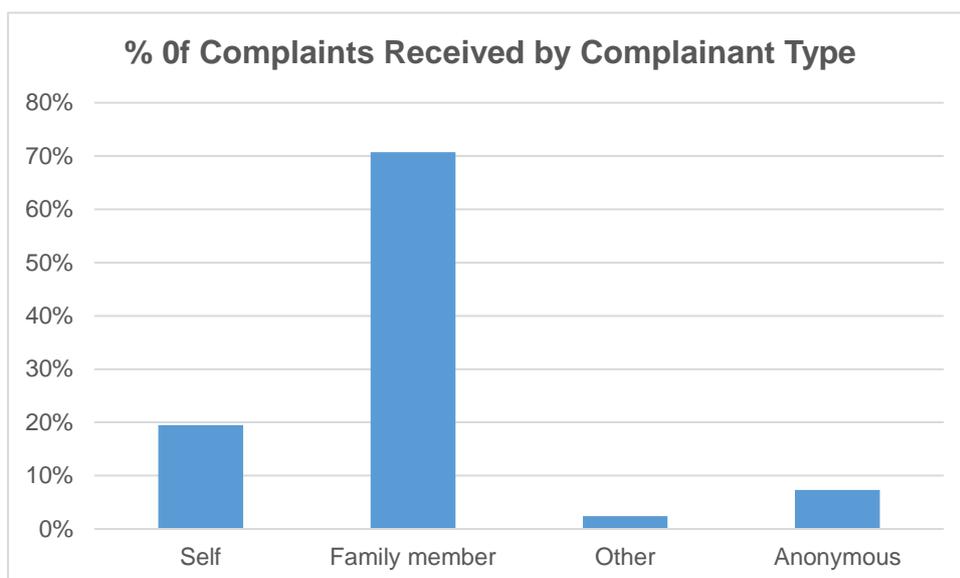
Compliance with timescales

The national timescales set out for Adult Social Care complaints are used to measure compliance for all complaints arising within Adult Social Care Services.

Overall compliance with time scales has been very positive during 2020/21 with **100%** of all complaints being responded to within the allowable 20 working days.

Complaints received by complainant type

- The majority of the complaints received by Adult Social Care Services were made on behalf of the service user by other family members (71%).
- 20% of the complaints were made by the service user themselves. Of these, none used the services of a professional advocate.
- 2% of complaints were made by others.
- 7% of the complaints were anonymous.



Complaints from service users

Enabling complaints from service users is an important mechanism for ensuring the experience of the people who use our services informs our service design and delivery. An increase in complaints from service users themselves helps us to ensure that the concerns of individual people are becoming more visible, which will in turn help to promote opportunities for learning. This is an area that we highlighted for action in 2019/20 and the Complaints Manager has been following this up by engaging with the Learning Disability Partnership Board to try to remove obstacles preventing people who have learning disabilities from making complaints about the service they receive. Work in this area remains ongoing.

8 complaints were received from service users during 2020/21. This equates to 20% of the complaints received during 2019/20. Unfortunately the increase does not represent any significant improvement in this area due to the low overall number of complaints coupled with the unusual circumstances brought about by the pandemic. A further comparison of the figures for this will be made with next year's report where it is hoped that progress will have been made. The figures for 2020/21 do highlight that the majority of complaints received by Adult Social Care continue to come from other family members who are acting on behalf of the service user. Whilst this may be understandable given the level of disability of some of our service users, it continues to suggest that more work is still needed in order to raise the profile of our service users, to promote their voice and look further into how we can assist them to make their views known. Feedback to Locality Managers to continue to encourage social care staff to promote the uptake of the Complaints Process by the service user themselves would seem to be the key to achieving this.

Complaints from family members/ others

- Following the same trend as 2019/20 the majority of the complaints received by Adult Social Care were made by other family members (71%).
- 2% of complaints were made by another person (a friend of the service user).
- The remaining 7% of complaints were received from people who chose to remain anonymous and were in relation to the conduct of a service. These complaints were directed to the appropriate services or agency for their attention.

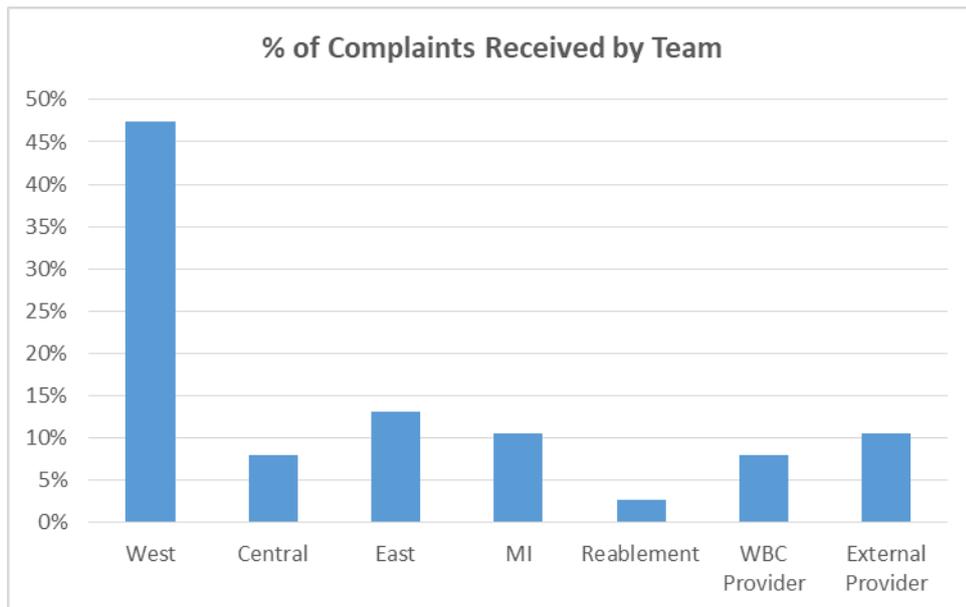
Multiple complaints

By examining the specific detail relating to who has made complaints during 2020/21 it is possible to see that the number of multiple complaints made by a single person has been very low and certainly not enough to invoke the Persistent and Unreasonable Complaints Process.

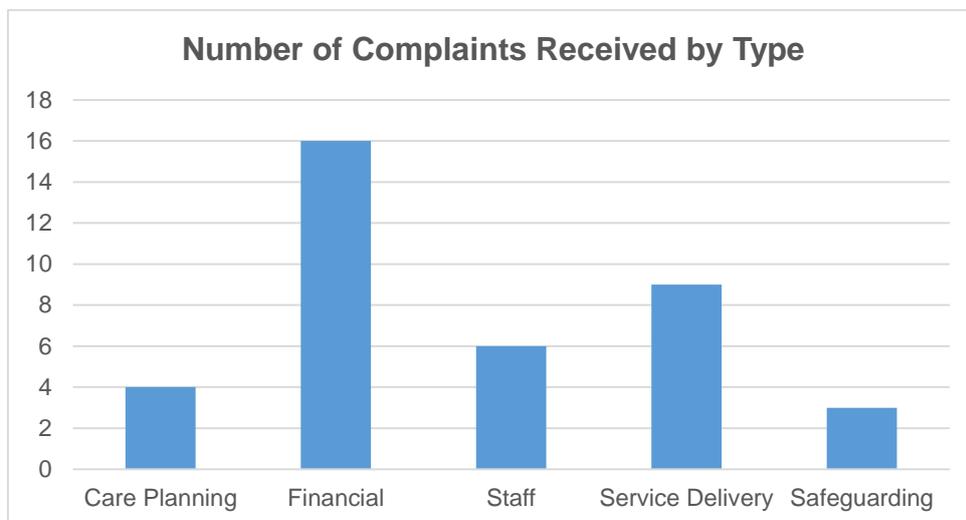
Complaints received by team

Of the **38** complaints made (not including those that were anonymous), the following percentages were made to each locality/ team/ in-house providers/ external providers.

Team	Vol	%
West	18	47%
Central	3	8%
East	5	13%
MI	4	11%
Reablement	1	3%
WBC Provider	3	8%
External Provider	4	11%
Total	38	100%



The primary reasons given for making a complaint



Data

Nature of Complaint	Vol	%
Care Planning	4	11%
Financial	16	42%
Staff	6	16%
Service Delivery	9	24%
Safeguarding	3	8%
Total	38	100%

- The most common reason for complaints during 2020/21 was Financial. 42% of complaints received fall within this category. Typically these complaints are around the charges for services. This category relates entirely to people feeling that they have been charged for either services they have not received or that fall below standard. It also includes those people being discharged from hospital who feel that services should have been made available to them via different funding streams at no charge to the individual for six weeks (Joint Care Pathway).
- The second largest category of complaint received during 2020/21 is service delivery with 24% of the complaints relating to this. This category relates to people who have received services via West Berkshire Council which they feel have been delivered at a poor standard.
- 16% of the complaints received are in relation to the conduct of staff. Complaints in this area typically relate to individual staff members when people feel that they have not been treated with courtesy or professionalism, but this may also be influenced by people objecting to outcome of assessed need by a particular staff member. These complaints can relate to both WBC staff and staff from external providers commissioned by WBC.

Emerging areas of concern

In light of the very small overall number of complaints and the extraordinary circumstances in 2020/21 it is not possible to realistically identify any emerging areas of concern in this year's report.

Complaints relating to providers

- In 2020/21 the number of complaints relating to providers was low. This is therefore a positive reflection upon the services commissioned by WBC during the year.

- A total of 8 complaints were made that related to providers, which equates to 22% of the overall number of complaints made. Of this, WBC were made aware of 4 complaints against our in-house services (including the Reablement Service). 3 of these complaints related to Walnut Close Residential Home (which has since been closed in February 2021). No further complaints were recorded in relation to any other WBC nursing homes during 2020/21 which is clearly a very positive outcome. A further 3 complaints were made against different external domiciliary care service providers and 1 complaint was made against an external supported living agency.

Complaints findings/ outcomes

In summary (based on 38 complaints that could be tracked, the remaining 3 being anonymous):

- **26%** of the complaints received in 2020/21 were upheld
- **26%** of the complaints received in 2020/21 were not upheld
- **18%** of complaints were partially upheld

Of the remaining complaints:

- In **5%** of cases the complainant either withdrew their complaint or did not progress their concerns and **3%** were refused (as they were out of timescale).
- In **13%** of cases the complaint was concluded at the initial stage and the complaint did not progress any further. This outcome has been recorded where the complainant was provided with an explanation in relation to why something had happened and the formal complaint was therefore concluded at this stage.
- **9%** of cases were progressed to the LGSCO (please see below).
- The flexibility in our complaints process to work with our complainants and their families (where appropriate), to seek to understand their experience, perspective and concerns is an important feature of our local approach and helps inform our learning culture as an organisation.

Complaints progressed beyond local resolution

- Where it has not been possible to resolve a complaint via restorative practice or via the complaints process, complainants may choose to approach an external regulatory body; The Local Government and Social Care Ombudsman (LGSCO). The LGSCO will determine if the complaint that are presented to them meet their criteria for investigation.

- In March 2020 the LGSCO stopped taking new complaints and paused their existing investigations in order to allow authorities to respond to the first wave of the pandemic. They restarted casework in late June 2020 after a three month pause. This has resulted in a delay in decisions in cases.
- Of the complaints made in 2020/21, **3** were referred to the LGSCO for further investigation. Of these **2** were not upheld by the LGSCO and in **1** case the Council were found to be at fault in one area and asked to apologise to the complainant. During 2020/21 no financial compensation was recommended.

Conclusion

2020/21 has, without doubt, been an extraordinary year due to the COVID 19 pandemic and this has been reflected in Complaints.

Adult Social Care have recorded a 50% drop in the number of complaints received in comparison to the previous year. Due to the circumstances, it is not possible however to conclude whether or not this is a positive reflection on services provided by West Berkshire Council. As this pattern of behaviour has been reflected in other local authorities it would seem appropriate to come to the conclusion that 2020/21 will be a stand-alone year for many services. One very positive aspect to highlight, however, is that there were no complaints made specifically relating to the conduct and quality of adult social care services throughout the lockdown periods and therefore our teams must be commended for their efforts to continue to provide support to vulnerable adults throughout these difficult times.

The rate of referral to the Local Government and Social Care Ombudsman remains low (the same number of cases as last year) and the feedback from the LGSCO has, on the whole, been very positive. This may be due to a combination of effective ongoing improvements in the investigation of complaints in-house and also the use of face to face meetings with complainants in order to resolve their issues and have the opportunity to fully express their views. The Complaints Team have utilised technology (via Zoom) in order to continue to provide meetings with complainants during the lockdown which has worked very well. Going forward, these virtual meeting will continue to be on offer alongside face to face meetings (whichever is the complainants preference).

Examples of compliments received during 2020/21

Please accept my sincere thanks for your consideration, care and attention it's been very much appreciated. The commitment and loyalty to your role is extremely commendable.

Thank you for resolving this so quickly and relatively effortlessly for us.

It has been a difficult time for us since my father started to be in need of care, but you and your colleagues have been so very kind and helpful towards us that we have felt supported at every turn. One is led to believe that it is a battle to get anything from Social Services these days, but our experience of West Berkshire had been only positive.

I would like to say a huge thank you! The commitment, care and understanding you have shown, your prompt responses to all my emails and taking the time to listen. Truly helped!

During the many times I've needed to make enquiries with social services, you have provided me with calm, considered, clear, succinct and professional advice. Your experience and pragmatism, especially in light of the challenging national circumstances we face, has been a source of great reassurance and support for someone like myself, and is truly appreciated.