

**Statutory Complaints Report  
Adult Social Care  
London Borough of Wandsworth  
2018 - 2019**



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## 1. Introduction

- 1.1 The production of a complaints report is a statutory complaints requirement for adult social care to provide an overview of the complaints received and handled through the Local Authority's statutory complaints procedure. This report is designed to meet this requirement of adult social care and is a public document.
- 1.2 The Local Authority has a duty to ensure that any individual (or appropriate person acting on their behalf) who wishes to make a complaint about the actions, decisions or apparent failings of a local authority's social care provision have access to the Adults statutory complaints procedure.
- 1.3 Richmond and Wandsworth Council's social care complaints are managed within the remit of the Resident Engagement division.

## 2. Legislation

- 2.1 There is a legal requirement for the Local Authority to have in place a complaints procedure, in accordance with The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 for the management of social care complaints.
- 2.2 The Regulations cover Adults social care and Health services and/or any of its commissioned services and/or independent services.

## 3. Overview of the Statutory Adults Complaints Procedure

- 3.1 The complaints procedure is a single stage process for both Health and Social Care services. Complaints should be recorded and monitored by the complaints team. All complaints should be assessed for risk by the complaints team liaising with the relevant social care team. Complaints that are deemed very high risk will be referred to the appropriate investigation route such as invoking safeguarding procedures.
- 3.2 The complainant can expect a response within 25 – 65 working days and by 6 months. The complaint can be progressed to the Local Government and Social Care Ombudsman following the final response from the Local Authority or at any time.
- 3.3 A complaint is defined as *“an expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a local authority's adult social services provision that requires a response.”*
- 3.4 Complaints can be made by the service user receiving a direct service from Adults social care or by a person on their behalf such as an advocate or family member where the service user has provided their written consent.

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- 3.5 Where a service is provided by a contractor on behalf of the Council, a complaint can either be made directly to the provider service or to the complaints team.
- 3.6 Service users who fund their own care for services that are regulated by the Care Quality Commission do not fall under this procedure.
- 3.7 Complaints will be considered if they are made within 12 months of the incident although the Council can apply their discretion to waive this time limit in some instances.

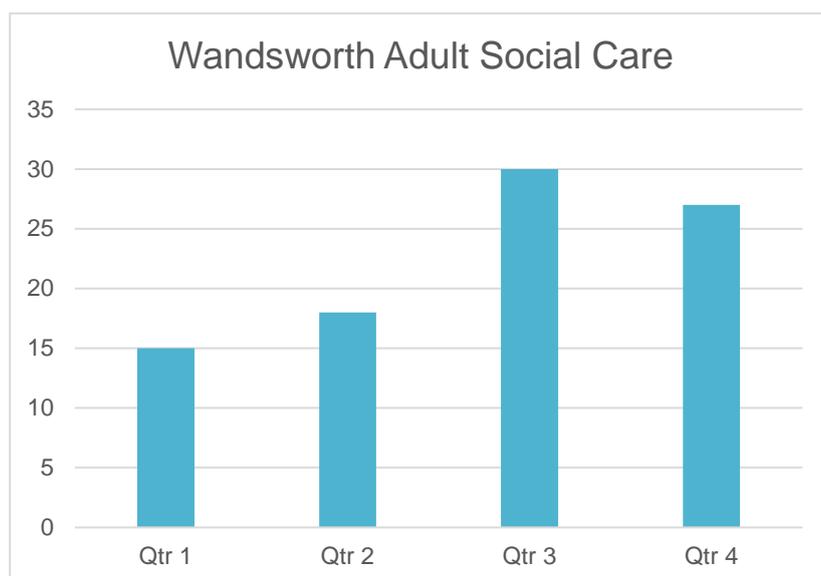
#### 4. Adult social care complaints received

- 4.1 The department investigated 90 complaints and 24 provider complaints for Wandsworth. This is a very slight decrease on the previous year when the department received 93 complaints.
- 4.2 Chart 1 details the complaints received for each quarterly period. There were fewer complaints recorded for the first half of the year. There was no specific reason for the increase in complaints for quarters 3 and 4.

**Table 1: Wandsworth adult social care complaints by year**

<b>Wandsworth</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
	129	99	93	90

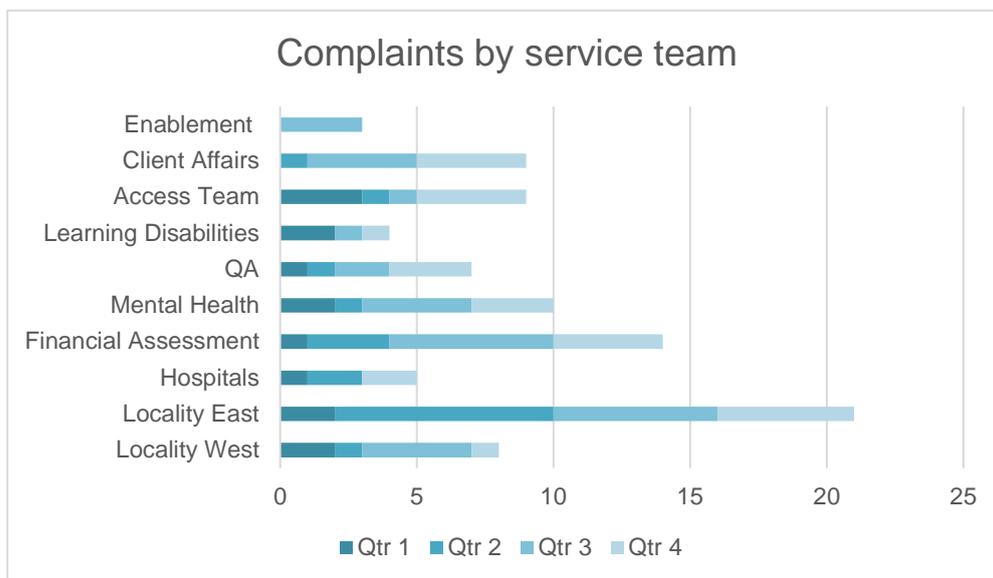
**Chart 1: Complaints received by quarterly period**



## 5. Complaints by service area

5.1 Chart 2 details the breakdown of complaints received by the service teams during the reporting year. Some complaints involved more than one service area.

**Chart 2: Wandsworth Complaints by service 1 April 2018 -31 March 2019**



5.2 Teams across adult social care regularly receive comments and feedback from service users and/or carers and generally these issues tend to be resolved directly by the staff.

## 6. Complaints by issue

6.1 Quality of service and complaints under ‘Other’ category were the main issues raised by complainants during 2018/19 as detailed on Chart 3.

6.2 During this period, the department had to rely on a wide range of care providers to support the increase in care needs.

6.3 ‘Other’ category complaints included issues related to a reduction in support hours, safeguarding concerns, not receiving OT equipment, alleged inaccuracies in assessments and challenging decisions for funding care provision.

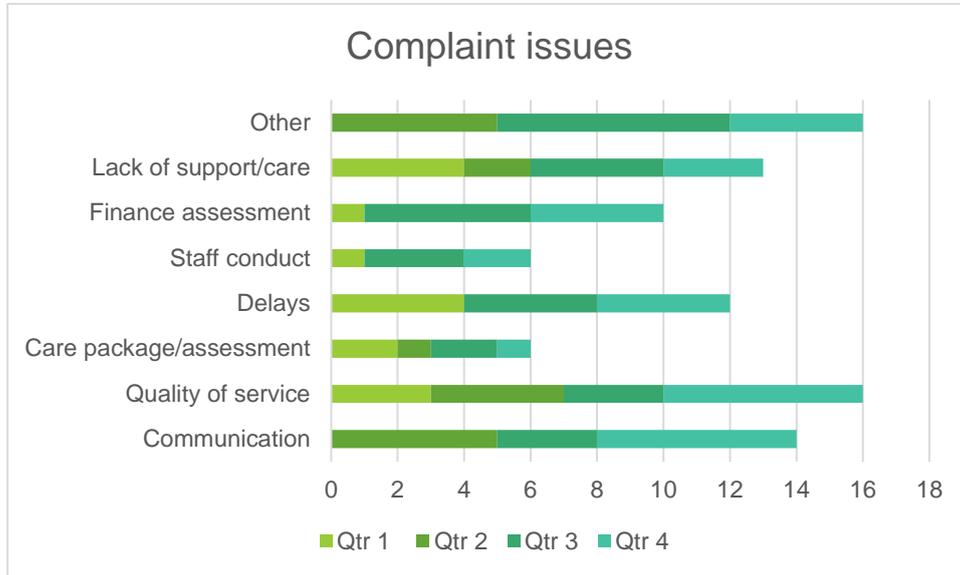
6.4 Further examples of complaints included: allegation of repeated errors in purchase orders and reduced funds, social worker conduct and behaviour, lack of care provision or issues with the quality of care, lack of information regarding financial assessments and contributions, queries regarding

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overcharging for care; delays in receiving OT adaptations, discrepancies in care support plans and time taken to set up direct payments.

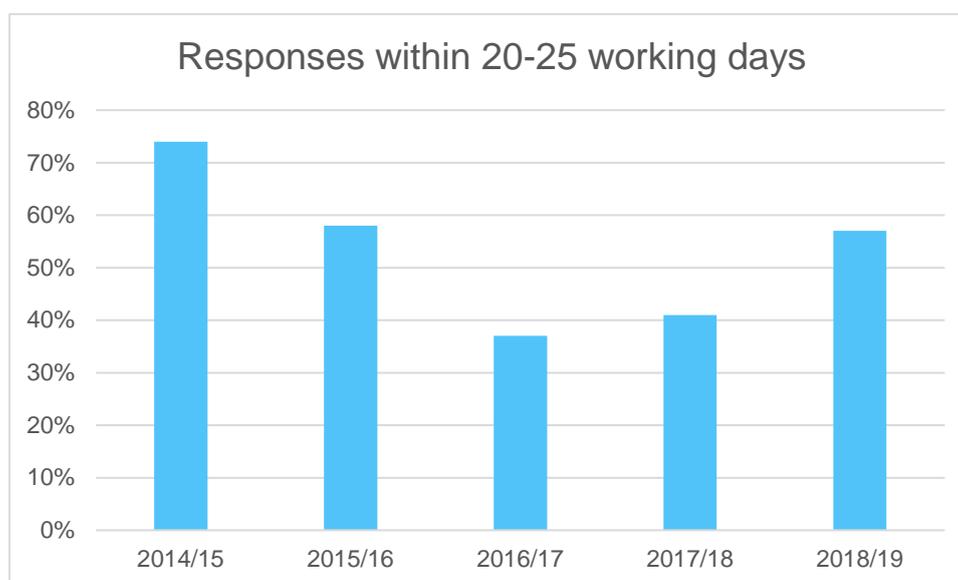
- 6.5 Complaints analysis is regularly reviewed at senior management level and an ongoing focus for service improvement.

**Chart 3: Complaint issues 2018-19**



## 7. Response times

- 7.1 Complaints should be investigated and completed within a timescale of six months and this can be extended with the agreement of the Complaints Manager. Throughout the complaint being investigated, the complainant should be kept informed of the progress and any cause for delay. There is no statutory timescale for completing adult social care complaints, although they should be completed within six months.
- 7.2 The Council has a timeframe of 25 working days for responding to adult social care complaints.
- 7.3 For this reporting period, Wandsworth completed 79 complaints, 10 which were open from the previous reporting year. Of those, 45 complaints were closed within 25 working days and 34 exceeded this timeframe.
- 7.4 Chart 4 details response times for the last 5 years. It should be noted that the response figures for the two years (2014/15) referred to complaints responded to within 20 working days as well as those completed in a timescale as agreed with the complainant which indicates a higher percentage.

**Chart 4: Responses within timescale**

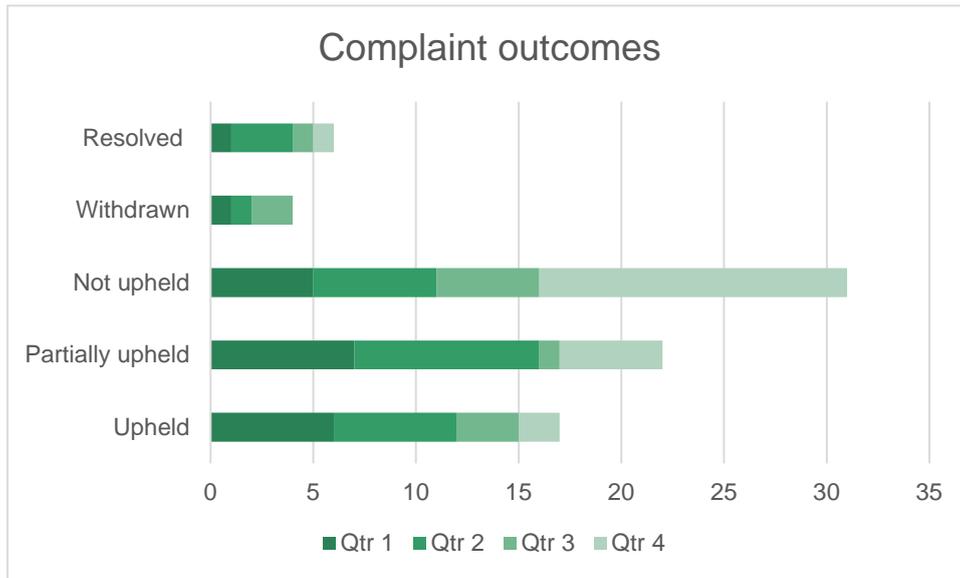
## 8. Complaint Outcomes

- 8.1 The majority of the complaints investigated during 2018/19 were not upheld (29), which is a continuing trend for the past few years.
- 8.2 Complaints are treated seriously and given careful consideration and whilst a complaint may not be upheld, the issues raised may still result in changes to how a service is delivered for the person named in the complaint or result in a change of practice.
- 8.3 Where a complaint is upheld or partially upheld, there will be learning identified and taken forward by the individual Managers and disseminated at Team Meetings or individual supervision of staff, if deemed necessary.

**Table 2: Complaint Outcomes 2015 -2019**

<b>Outcome</b>	<b>2015/16</b>	<b>%</b>	<b>2016/17</b>	<b>%</b>	<b>2018/19</b>	<b>%</b>
<b>Upheld</b>	37	28.7	17	17.1	16	22.20%
<b>Partially upheld</b>	36	27.9	31	31.3	18	25%
<b>Not upheld</b>	46	35.7	30	30.3	29	40.30%
<b>Withdrawn</b>	8	6.2	7	7.1	3	4.20%
<b>Resolved outside process</b>	2	1.6	14	14.2	6	8.30%
<b>TOTAL</b>	<b>129</b>	<b>100%</b>	<b>99</b>	<b>100%</b>	<b>72</b>	<b>100%</b>

**Chart 5: Complaint outcomes 2018/19**



## 9. Provider Complaints

- 9.1 The Quality Assurance & Commissioning Team monitors provider complaints for adult social care, which includes residential and domiciliary care services. Complaints regarding a commissioned service that are received directly by the complaint team, will be logged and processed in accordance with the statutory complaints procedure and referred to the Quality Assurance Team to investigate and monitor as required. This does not include complaints by 'self-funders' who are able to complain directly to the care provider and/or the Ombudsman.
- 9.2 For this reporting year, 24 external provider complaints were recorded by the complaints team. This is a very slight increase on the number of provider complaints (21) reported through the complaints team during 2017/18. Complaints can be made directly to the care home or provider agency as well as through the quality assurance team. The issues mostly concerned delays and missed calls by home carers and the quality of care received.
- 9.3 There were 18 complaints that related to domiciliary care provision and involved 10 different care providers. The issues were wholly related to the quality of care received and issues linked to late or missed calls, carer attitude/conduct, the level of care provision and not adhering to the care package. These concerns are quickly addressed by the Quality Assurance and commissioning team in liaison with the provider and care is monitored to avoid repeated complaints and to improve the level of care.

- 9.4 Three complaints related to residential care involving 3 separate care providers. The concerns related to safeguarding concerns and staff conduct and were investigated by the QA team and provider.

## 10. Ombudsman Cases

10.1 A complainant reserves the right to refer their complaint to the Local Government and Social Care Ombudsman at any time. However, in most cases, the Ombudsman will seek to ensure that the Local Authority has been provided with the opportunity to respond to the complaint in accordance with the Council's statutory complaints process.

10.2 In 2018/19, nine complaints were received by the Ombudsman. The complaints that were investigated and concluded were as follows:

- Care package concerns in respect of domiciliary provision. Final decision: No fault in the decision making by the Local Authority.
- Complaint regarding the level of support received from adult social care and the care plan, delays and inadequate implementation of care since moving into the area. Final decision - remedy was recommended for the failure to demonstrate that the service user had received an increase of care for the related period. Financial remedy in recognition of his time and trouble in resolving his care issues and council to review its procedures for transfers into the area to ensure a continuity of care
- Complaint regarding a financial decision. Final decision – Local Authority to backdate service user's Disability Related Expenses by four months and to inform staff in the Finance team that if they do not treat all expenses claimed for as DRE, they need to explain this decision to clients in writing

## 11. Learning from Complaints

11.1 Complaints learning is a key driver for service improvement for the department. Complaints provide key information which can be used to identify issues to consider in services, improve learning and best practice and identify any risks which can be avoided in the future, as based on people's own experiences. Some of the learning identified is detailed as follows:

- Staff reminder in locality teams regarding the importance of adhering to the agreed departmental protocols regarding Carers Assessments as well as the option of offering assessments away from the cared for person, to enable open discussion around the impact of the caring role.
- Better information to service users on how the Fast Track process works so that it is not misleading re: timescales and the outcomes.

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- Regarding the potential wait for the allocation of a Social Worker, the locality team now undertakes monthly updates to service users and families awaiting allocation, to provide an opportunity of prioritising individual needs and circumstances. The team also works more closely with the Direct Payments Team and Providers to ensure that they are sharing the correct information to prospective Direct Payments applicants, so that they can ensure that everyone understands the expectations and criteria to receive a Direct Payment.
- When Adult social care are negotiating on behalf of others or those who are legally representing family members and/or friends, staff are asked to share any signed documentation which may impact on that negotiation in advance. This is overseen by the Senior Management team to ensure that going forward, Social Workers and Brokers are aware of the need to query what agreements have already been entered into with families and care providers when we are involved in negotiating costs.

## 12. Compliments

12.1 Positive feedback regarding staff or service delivery is an invaluable source of information for the department on what is working really well. Staff are reminded to report compliments they receive and recognise the value of sharing this feedback.

### **What people said:**

*“As an adult aged 74 registered with you as having partial eyesight problems, I would like to express my gratitude to Wandsworth Council for the help and support I have recently received from the Adult Social Services for Visual Impairment. Often one’s rights are not advertised very well and people with problems don’t always know where to turn for help. My Rehabilitation Worker has guided me through all the unknown channels available...she has installed many things to help me in the home and painted the edge of the step white, so I don’t trip or fall. S’s caring kindness, patience and empathy towards me has been truly invaluable. I can’t commend her highly enough for her ongoing intelligence, humour, hard work and most of all her helpful in the moment therapy when I sometimes shouldn’t but fear a dark future.”* **Access Team**

*“All of the staff that I have dealt with at Wandsworth have been so helpful and made a difficult situation much easier for our family and we thank you very much.”* **Finance Team**

*“This Wednesday Kite will finish their time with him. He thinks this is a fabulous service and few believe few elderly people are aware of it – he has spoken to a number of friends. His contacts at Kite are Ben and Michelle and says both are very good”* **Reablement Team**

*“During the conversation Mr F mentioned that based on liaising with O B of the St. Georges team he had come to have a lot of respect for her and believed she was a very good representative for the organisation. ‘Pure gold’ was the term used. He suggested the local*

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*authority would benefit greatly from having more staff of O's calibre." **St Georges Hospital team***