



# **DARLINGTON**

Borough Council

## **Adult Social Care Complaints, Compliments and Comments Annual Report 2020/21**

## Contents

Introduction	3
Local Government and Social Care Ombudsman (Health Services Ombudsman)	4
Information and Accessibility	4
Advocacy	4
Summary	5
Review of the Year	6
- Breakdown of all Representations	6
- Total Complaints, Compliments and Comments Received 2020/21	6
- Breakdown of Compliments by Service Area/Team	7
- Breakdown of Complaints by Service Area/Team	8
- Breakdown of Comments by Service Area/Team	9
- Breakdown of Complaints by Issue	10
- Complaint Outcomes	11
- Local Government Ombudsman Complaints Received 2020/21	11
- Local Government Ombudsman Complaint Outcomes 2020/21	11
Organisational Learning	12
Performance against the Procedure	13
Performance Indicator for 2020/21	13
Further Recommendations	13

## Introduction

1. The purpose of this annual report is to inform service users, carers, the public, Council Members and staff of the effectiveness of the Adult Social Care Complaints, Compliments and Comments Procedure (the procedure).
2. On 1 April 2009 the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (the regulations) came into force following the consultation 'Making Experiences Count' by the Department of Health. The consultation found that the complaints processes for people receiving both health and social care services were overly complex and inflexible.
3. As a result the legislation introduced altered the way in which complaints are handled introducing a single joint complaints process for both social care and health services, with one stage as opposed to the previous three stage process used in relation to adult social care services. The regulations also introduced a duty for health and social care services to cooperate.
4. The Council implemented a new procedure on 1 April 2010 providing a local framework to ensure complaints are handled effectively and in line with the regulations.
5. The procedure aims to:
  - (a) Make it as easy and accessible as possible for service users and their carers to raise complaints;
  - (b) Foster an organisational culture in which complaints are accepted, owned and resolved as efficiently as possible;
  - (c) Ensure high levels of customer satisfaction with complaints handling;
  - (d) Resolve individual issues when they arise and reduce the number of complaints referred to the Ombudsman; and
  - (e) Enable the Council to identify topics and trends in relation to adult social care complaints and improve services as a result.
6. The Assistant Director Adult Services is the responsible person for ensuring that the Council complies with the arrangements made under the regulations. They act as the 'Adjudicating Officer', which means they make decisions on complaints and decide what action should be taken in light of the outcome of a complaint.
7. The Complaints and Information Governance Manager (Complaints Manager) is the responsible person for managing the procedure for handling and considering complaints in accordance with the agreements made under the regulations.

## **Local Government and Social Care Ombudsman (Health Services Ombudsman)**

8. Although complainants can refer their complaints to the Local Government and Social Care Ombudsman (LGSCO) from the outset, the LGSCO will not normally investigate until the Council has conducted its own investigation and provided a response. Where it has not been possible for the complaint to be resolved to the satisfaction of the complainant they may refer the matter to the LGSCO (or Health Services Ombudsman for some joint complaints).

## **Information and Accessibility**

9. We are committed to making sure that everyone has equal access to all our services, including the complaints procedure. To help make sure the Council's complaints procedures are easily accessible we have produced two leaflets (one for children and young people and one for adults) covering all Council services to reflect the single point of access for complainants within the Council. The leaflets are available in all Council buildings. They have been written in line with the Plain English Campaign standards. The title is written in the most commonly used community languages and it contains details on how to access the information in other formats, for example, large print, audio and Braille.
10. Information is available on the Council's website. There is also an electronic form which people can use to make a complaint, pay someone a compliment or pass comment on Council services. People may make a complaint in any format they wish. This can be in writing, by email, via the web, over the phone, in person or by any other reasonable means.
11. The Complaints Manager can arrange advocates and interpreters (including British Sign Language interpreters) where appropriate.

## **Advocacy**

12. During 2020/21 the Council commissioned an advocacy service which provides RPRs (Relevant Persons Representatives), IMCAs (Independent Mental Capacity Advocates), IMHAs (Independent Mental Health Act Advocates), Court of Protection Advocacy, and Care Act Advocates. This is provided by Darlington association on Disability (DAD).
13. The Council also commissioned Specialist Advocacy / Welfare Rights services for adults with a sensory impairment, and NHS Complaints Advocacy on behalf of the NHS.

## Summary

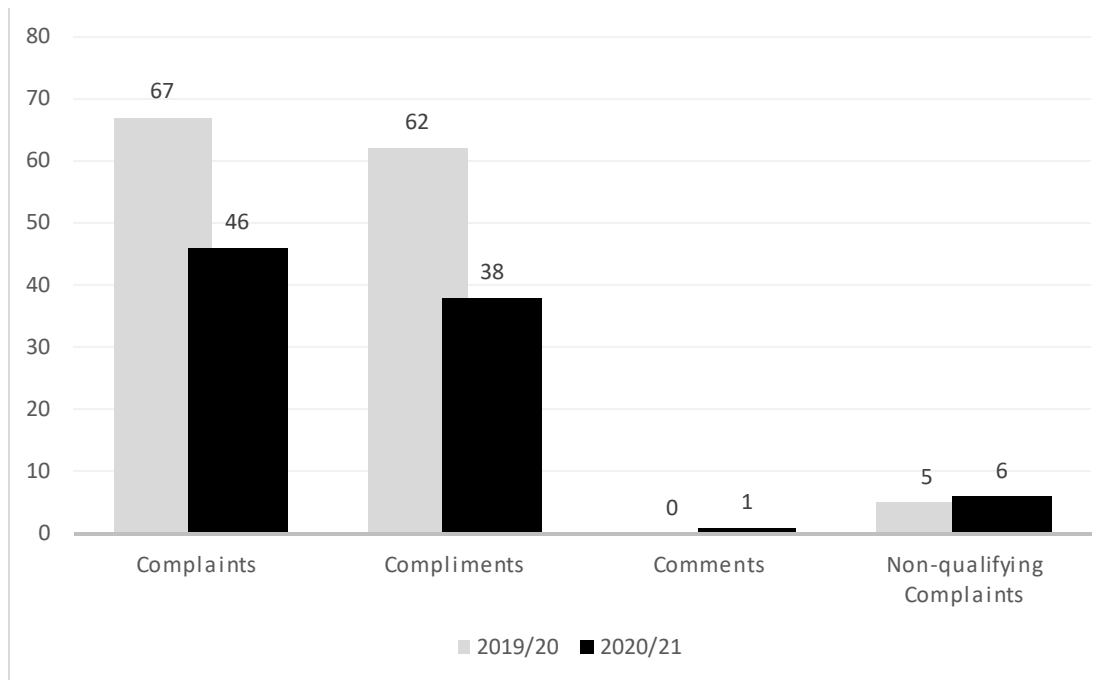
14. There has been a decrease in overall feedback from 134 representations in 2019/20 to 85 in 2020/21.
15. The Council investigated 46 complaints under the procedure during 2020/21, a decrease from 67 in 2019/20.
16. The Council received 38 compliments under the procedure during 2020/21, a decrease from 62 in 2019/20.
17. The Council received one comment under the procedure during 2020/21, an increase from zero in 2019/20.
18. The Council received six complaints which did not qualify for investigation under the procedure during 2020/21, an increase from five in 2019/20.
19. Six adult social care complaints were progressed to the LGSCO during 2020/21, an increase from five in 2019/20.
20. The LGSCO reached a decision on four complaints during 2020/21, a decrease from six in 2019/20.

## Review of the Year

### Breakdown of all Representations

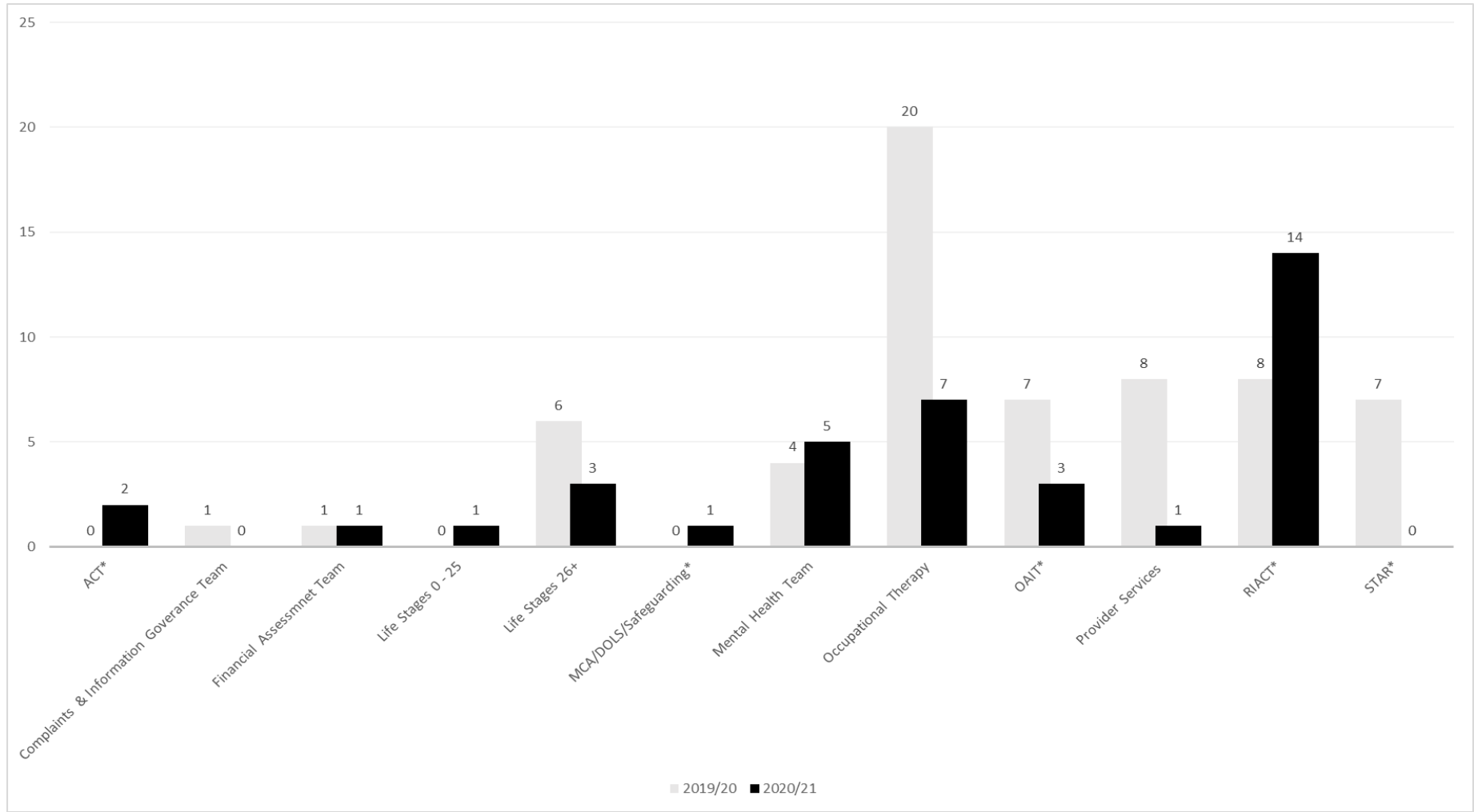
21. A total of 85 representations were handled under the procedure during 2020/21. This does not include those representations responded to directly by social care providers i.e. care homes and home (domiciliary) care providers.

**Total Complaints, Compliments and Comments Received 2020/21**



22. There was a decrease in the number of complaints we investigated, compared to 67 in 2019/20.
23. There was a decrease in the number of compliments we received, compared to 62 in 2019/20.
24. There was an increase in the number of comments we received, compared to zero in 2019/20.
25. There was an increase in the number of non-qualifying complaints received, compared to five in 2019/20.

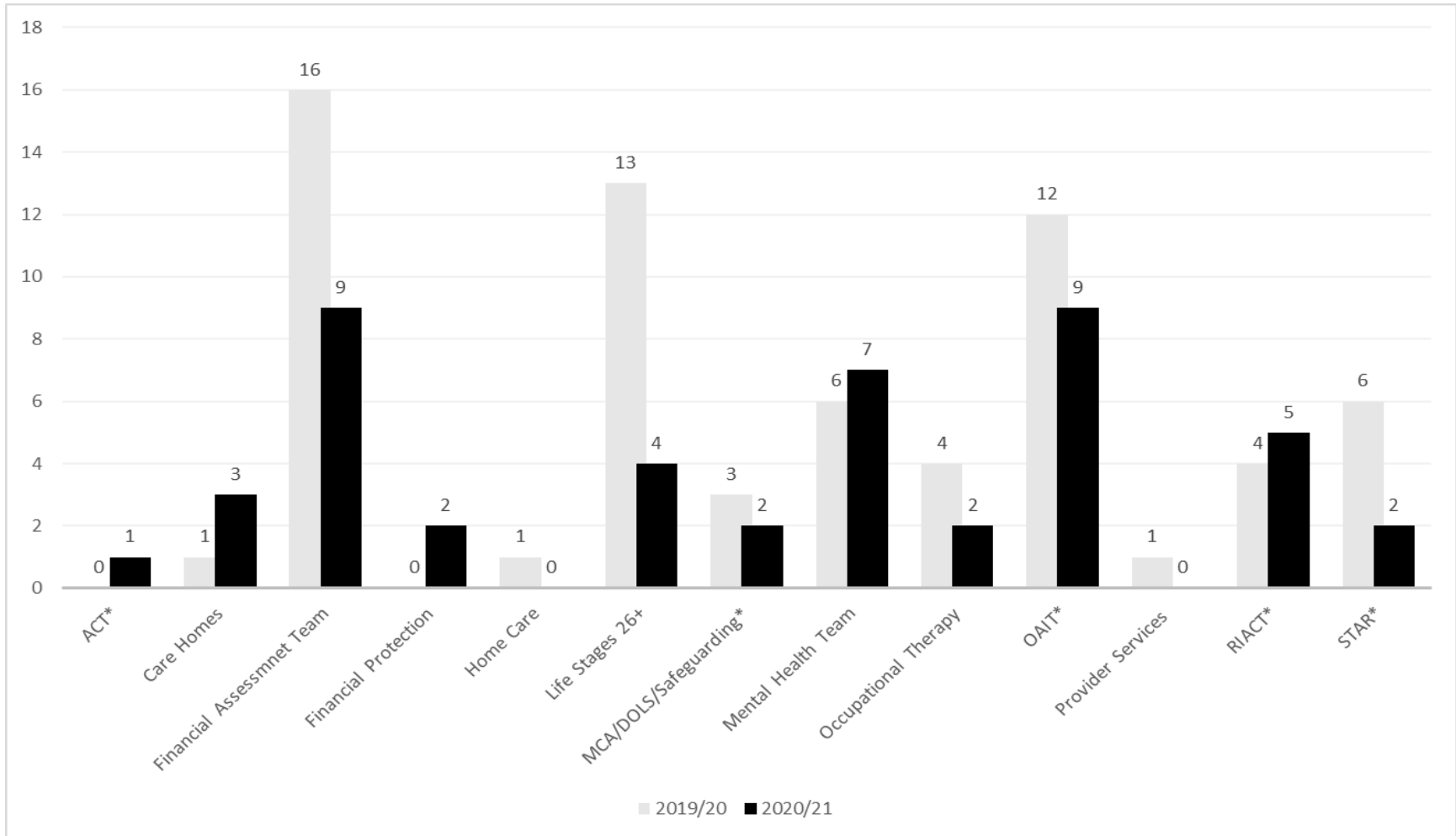
### Breakdown of Compliments Received by Team



\*ACT = Adult Contact Team, MCA/DOLS = Mental Capacity Act/Deprivation of Liberty Safeguards, OAIT = Ongoing Assessment and Intervention Team, RIACT = Responsive Integrated Assessment Care Team, STAR = Short Term Assessment and Review

*N.B. Those teams that do not appear in the graph did not receive any compliments*

### Breakdown of Complaints Received by Service Area/Team



\*ACT = Adult Contact Team, MCA/DOLS = Mental Capacity Act/Deprivation of Liberty Safeguards, OAIT = Ongoing Assessment and Intervention Team, RIACT = Responsive Integrated Assessment Care Team, STAR = Short Term Assessment and Review

*N.B. Those teams that are not listed did not receive any complaints. ACT received one complaint, an increase from zero in 2019/20.*

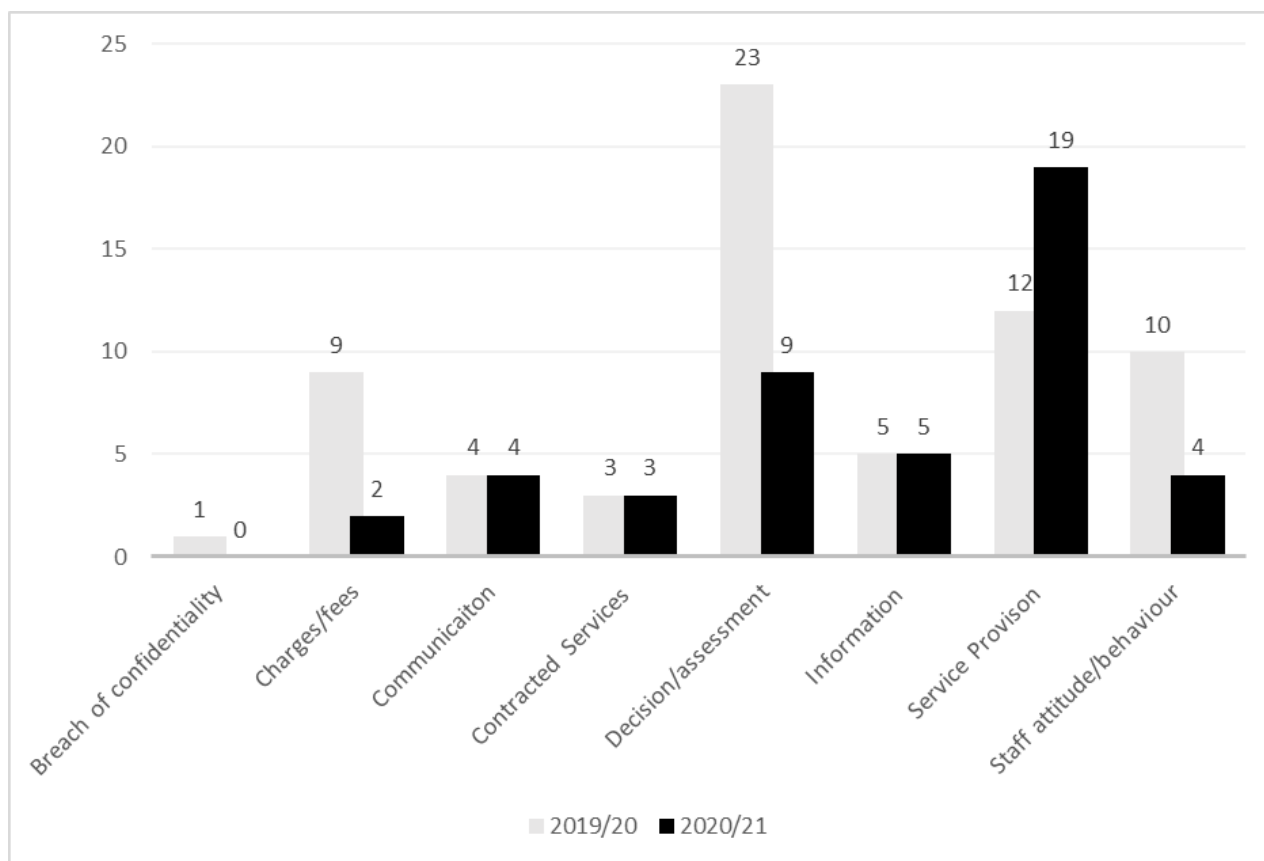


26. The Council investigated three complaints about care homes (contracted service) an increase from one in 2019/20.
27. Financial Assessments saw a reduction in complaints, nine compared to 16 in 2019/20. Complaint concerned delays, poor communication, inaccurate information and dissatisfaction with decisions.
28. Financial Protection received two complaints, an increase from zero in 2019/20.
29. The Council investigated one complaint about a home (domiciliary) care provider (contracted service), the same number as 2019/20.
30. There was a significant decrease in complaints for Life Stages 26+, four compared to 13 in 2019/20. There were no common themes in the four complaints received.
31. There was a decrease in complaints for MCA/DOLS (Mental Capacity Act/Deprivation of Liberty Safeguards), two compared to three in 2019/20.
32. The Mental Health Team received seven complaints, an increase from six in 2019/20. Service provision was the most common cause of complaint.
33. Occupational Therapy received two complaints, a decrease from four in 2019/20.
34. Ongoing Assessment & Intervention Team (OAIT) received nine complaints a reduction from 12 in 2019/20. The most common themes were dissatisfaction with the outcome of assessments and service provision.
35. Provider Services did not receive any complaints, a reduction from one in 2019/20.
36. Responsive Integrated Assessment Care Team (RIACT) received five complaints, an increase from four in 2019/20. There was no common theme in the complaints received.
37. Short Term Assessment & Review Team (STAR) received two complaints, a decrease from six in 2019/20.

#### **Breakdown of Comments Received by Service Area/Team**

38. The Council received one comment for Occupational Therapy, an increase from zero in 2019/20.

### Breakdown of Complaints Received by Issue



39. The most common cause of complaint was service provision. The Council received 19 complaints about service provision an increase from 12 in 2019/20.
40. The second most common cause of complaint was dissatisfaction with a decision/assessment. In total the Council received nine complaints about this issue, a significant decrease from 23 in 2019/20.
41. The third most common cause of complaint was information. The Council received five complaints, the same number as in 2019/20.
42. The fourth most common causes of complaint were communication and staff attitude/behaviour. Complaints about communication were comparable to 219/20 while the Council saw a reduction in complaints about staff attitude/behaviour, compared to 10 in 2019/20.
43. Contracted services i.e. complaints about care home and home (domiciliary) care providers were the fifth most common cause of complaint. The Council receive the same number of complaint in relation to this issue as it did in 2019/20.
44. Charges/fees were the least common complained about issues. The Council saw a reduction from nine complaints in 2019/20.

### Complaint Outcomes

45. 36 complaint investigations were concluded during 2020/21. The outcomes of these complaints are detailed in the chart below.

Service Area/Team	Upheld	Partly Upheld	Not Upheld	Inconclusive	Withdrawn	Total
Care Homes (contracted service)	0	0	0	0	1	1
Financial Assessments	0	0	5	0	1	6
Financial Protection	0	0	0	1	1	2
Life Stage 26+	1	2	0	0	0	3
Mental Health	0	0	0	1	4	5
Occupational Therapy	0	0	1	0	0	1
Ongoing Assessment & Intervention Team (OAIT)	1	2	1	2	3	9
Provider Services	0	0	0	1	0	1
Responsive Integrated Assessment Care Team (RIACT)	1	2	0	0	2	5
Short Term Assessment and Review (STAR)	0	0	0	0	3	3
<b>Total</b>	<b>3</b>	<b>6</b>	<b>7</b>	<b>5</b>	<b>15</b>	<b>36</b>

#### Local Government Ombudsman Complaints Received 2020/21

46. Five adult social care complaints were progressed to the LGSCO during 2020/21, the same as in 2019/20.

#### Local Government Ombudsman Complaint Outcomes 2020/21

47. Four adult social care complaints were determined by the LGSCO during 2020/21, compared to five in 2019/20.
48. Full details of those complaints determined by the Local Government and Social Care Ombudsman are included in the Cabinet reports of 8 December 2020 and 7 September 2021 entitled [Review of Outcome of Complaints Made to Ombudsman](#).

## **Organisational Learning**

49. All resolution and organisational learning actions identified as a result of complaints are assigned to a responsible manager and progress against those actions is monitored by the Complaints Manager. In addition to those actions taken to resolve individual complaints, a number of service improvements were made following complaint investigations during 2020/21, some of which are detailed below.

## **Life Stage 26+**

50. Following a complaint an internal investigation and a review of practice was completed by the Registered Manager into the handling of controlled medication.
51. As a result if the same complaint Holicote reviewed their policies and procedures in relation to holding funds for individuals using the short break service and ensured that staff are aware of how to support individuals and seek advice to resolve issues regarding expenditure.
52. Following a further complaint all Safeguarding Adult Managers were reminded that unless it would put the adult at further risk, the person alleged to have caused harm should have the opportunity to respond to the allegations against them and that the response should be shared in the Safeguarding Strategy meeting.

## **Providers Services**

53. Following a complaint it was agreed the Reablement Team would re-visit relevant Council training regarding dignity and respect and that training would be developed for staff in social care to be clear about the difference between a person's care needs and their needs as a carer. Staff were reminded of how their language can be perceived and of the need to accurately record conversations, including in relation to financial assessments. Social workers were also reminded of the need to inform individuals of the cancellation periods for domiciliary care and to share information relating to the online financial assessment tool. The website was also updated.

## **Ongoing Assessment & Intervention Team (OAIT)**

54. Following a complaint staff were reminded of their conduct when dealing with members of the public and to treat people with dignity and respect, whilst being clear about the remit of services.
55. Following a further complaint it was recommended staff receive further training on Direct Payments.

### **Performance against the Procedure**

56. As a result of COVID-19 the Assistant Director Law and Governance made a [Delegated Decision](#) on 23 March 2020 that gave approval for timescales not to be adhered to as a result of services diverting resources to the areas of greatest need.
57. The target for acknowledging receipt of complaints under the procedure is 3 working days.
58. 86.96% of complaints received during 2020/21 were acknowledged within the 3 working day timescale, a decrease from 93.94% in 2019/20.
59. There are no longer any statutory timescales for complaint responses, except that complainants should receive a response within six months. The procedure sets out a timescale for dealing with complaints solely about the Council's services i.e. 30 working days, although there are circumstances in which the investigator may agree an extension with the complainant. It also states that for joint health and social care complaints the complaints managers from the different organisations will work together to decide a reasonable timescale and agree this with the complainant. This is to ensure investigations are completed in a timely manner and within the maximum time allowed.
60. 27.8% of complaints were responded to within 30 working days, an increase from 22.4% in 2019/20.
61. 22.2% of complaints exceeded the maximum six month time limit, an increase from 10.4% in 2019/20.

### **Performance Indicator for 2020/21**

62. In relation to Adult Social Care complaints the Council's key performance indicator is the number of maladministration decisions received from the Local Government and Social Care Ombudsman. The Council received one maladministration decision during 2020/21, compared to five during 2019/20.
63. Full details of those complaints determined by the Local Government and Social Care Ombudsman are included in the Cabinet reports of 8 December 2020 and 7 September 2021 entitled [Review of Outcome of Complaints Made to Ombudsman](#).

### **Further recommendations**

64. Adult Services should now work to clear the backlog of complaints that has arisen during the pandemic and on doing so ensure any new complaints are responded to in a timely manner and that where an extension is required this is communicated to the complainant and properly recorded.