



DARLINGTON

Borough Council

Adult Social Care
Complaints, Compliments and Comment
Annual Report
2021/22

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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 the 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 the 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 2021/22 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

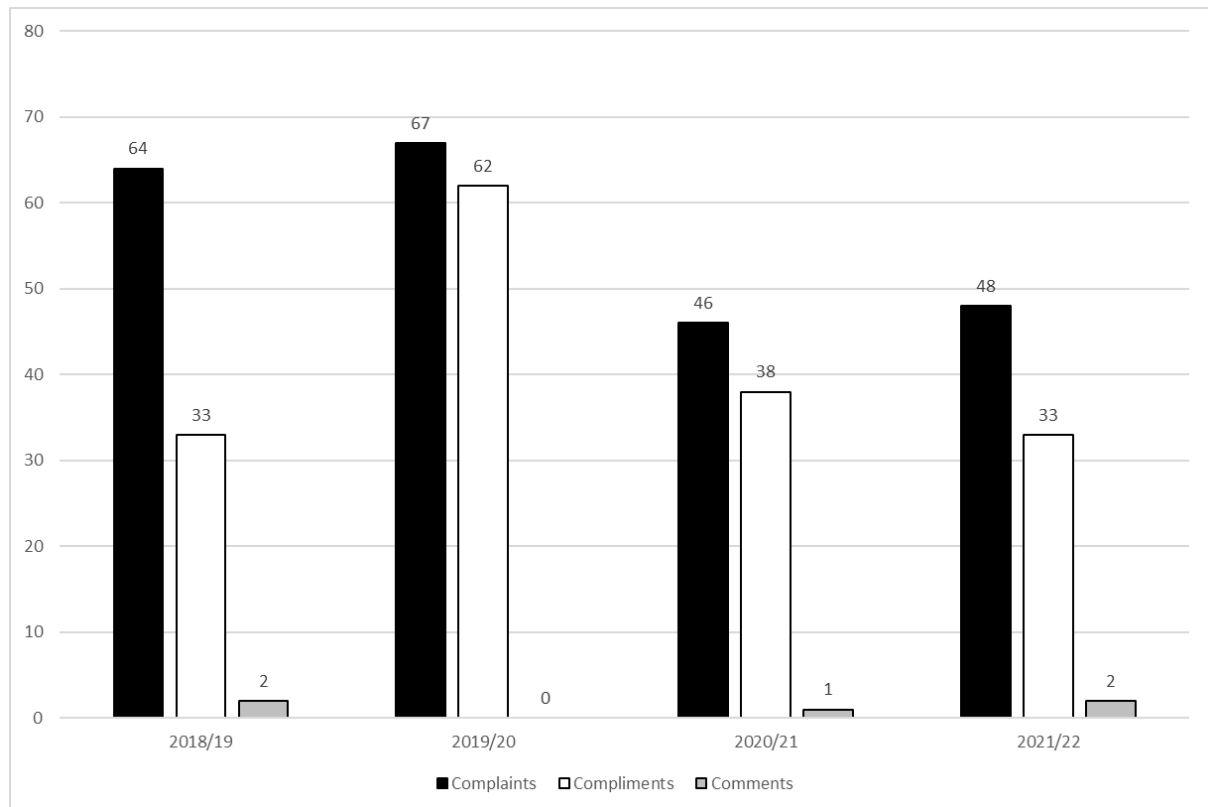
14. There has been a slight decrease in overall feedback, 83 representations in 2021/22 compared to 85 in 2020/21, 134 representations in 2019/20 and 99 in 2018/19.
15. The trend of relatively low numbers of complaints compared to pre-pandemic levels continued during 2021/22, with the Council investigating 48 complaints. Although this was an increase from 46 in 2020/21, it was still significantly lower than 67 in 2019/20 and 64 in 2018/19.
16. The Council received 33 compliments under the procedure during 2021/22, a decrease from 38 in 2020/21 and 62 in 2019/20 and the same number as in 2018/19.
17. The Council received two comments under the procedure during 2021/22, an increase from one in 2020/21, zero in 2019/20 and the same number as in 2018/19.
18. The Council did not receive any complaints which did not qualify for investigation under the procedure during 2021/22, a decrease from 6 in 2020/21 and five in 2019/20 and the same number as in 2018/19.
19. Three adult social care complaints were progressed to the LGSCO during 2021/22, a decrease from six in 2020/21.
20. The LGSCO reached a decision on four complaints during 2021/22, the same number as in 2020/21.

Review of the Year

Breakdown of all Representations

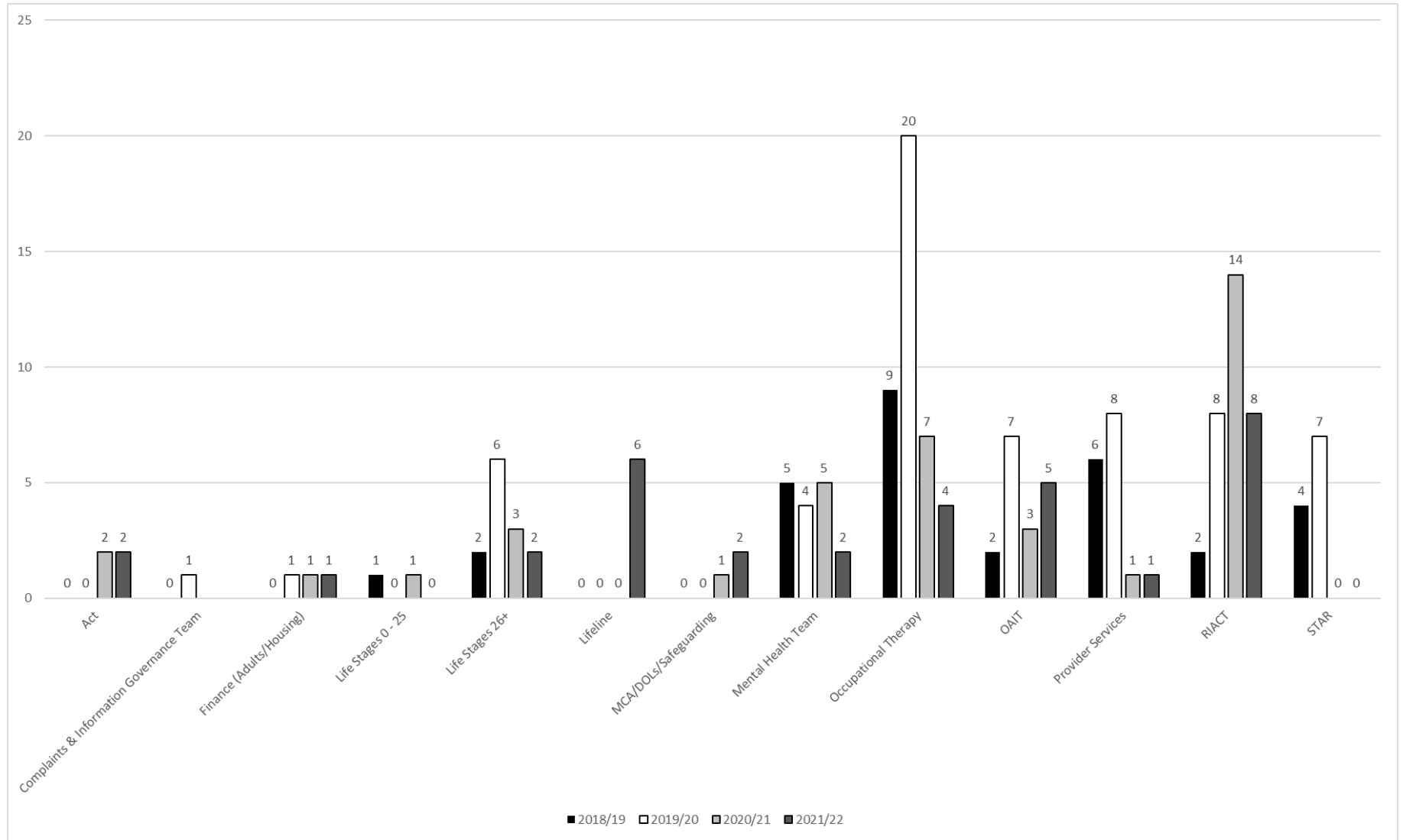
21. A total of 83 representations were handled under the procedure during 2021/22. This does not include those representations responded to directly by social care providers i.e. care homes and home (domiciliary) care providers.

Total Complaints, Compliments and Comments Received 2021/22



22. There was an increase in the number of complaints we investigated, 48 compared to 46 in 2020/21, however, complaints remain significantly lower than pre-pandemic levels.
23. There was a decrease in the number of compliments we received, 33 compared to 38 in 2020/21. Again compliments remain significantly lower than pre-pandemic levels.
24. There was an increase in the number of comments we received, two compared to one in 2020/21. The number of comments received has always been low and was seemingly not affected by the pandemic in the same way as compliments and complaints.

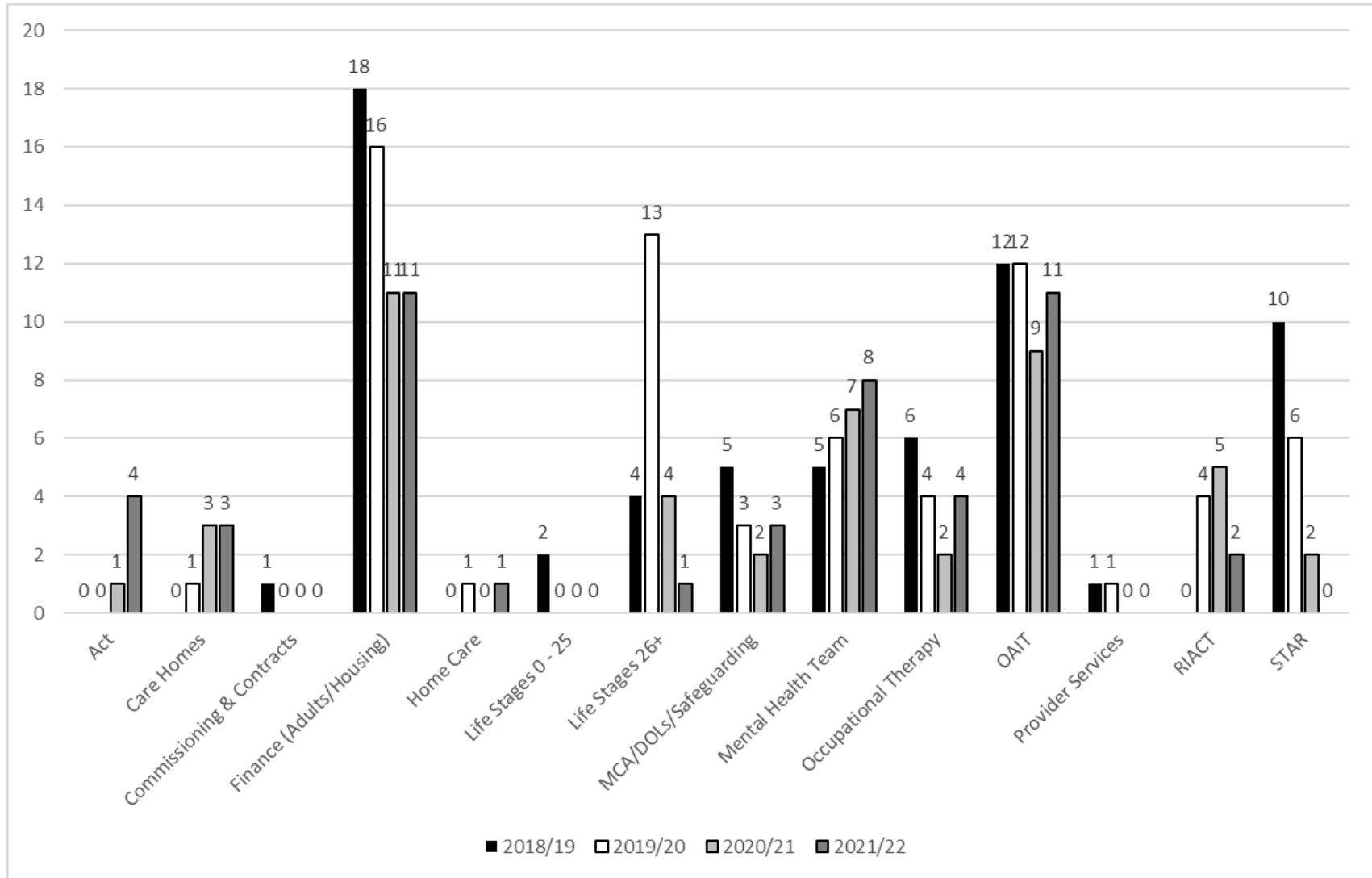
Breakdown of Compliments Received by Team



*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

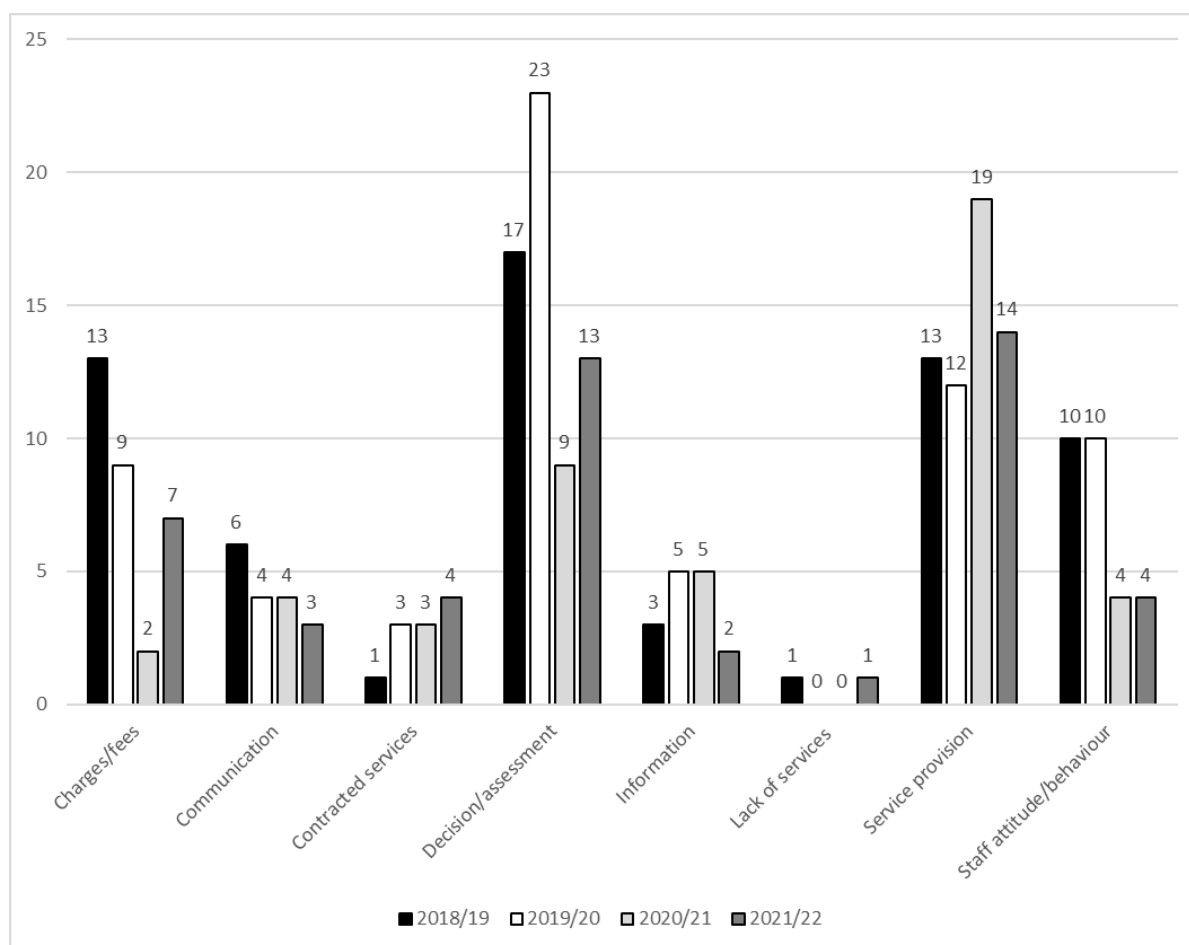
N.B. Those teams that are not listed did not receive any complaints.

25. The Council investigated four complaints about Act, an increase from one in 2020/21.
26. The Council investigated three complaints about care homes (contracted service), the same number as in 2020/21.
27. The Council investigated 11 complaints about Finance (Adults/Housing), the same number as in 2020/21. Complaints concerned delays, poor communication, inaccurate information and dissatisfaction with decisions.
28. The Council investigated one complaint about a home (domiciliary) care provider (contracted service), an increase from zero in 2020/21.
29. The Council investigated one complaint about Life Stages 26+, compared to four in 2020/21.
30. The Council investigated three complaints for MCA/DOLS (Mental Capacity Act/Deprivation of Liberty Safeguards), compared to two in 2020/21.
31. The Mental Health Team received eight complaints, compared to seven 2020/21. Dissatisfaction with the service provided by the social worker was the most common cause of complaint.
32. Occupational Therapy received four complaints, compared to two 2020/21.
33. Ongoing Assessment & Intervention Team (OAIT) received 11 complaints, compared to nine in 2020/21. Dissatisfaction with the service provided by the social worker was the most common cause of complaint.
34. Responsive Integrated Assessment Care Team (RIACT) received two complaints, compared to five in 2020/21.
35. Short Term Assessment & Review Team (STAR) received zero complaints, compared to two in 2020/21.

Breakdown of Comments Received by Service Area/Team

36. The Council received two comments, compared to one in 2020/21. One related to Occupational Therapy as did the one the previous year and one related to Life Stages 26+.

Breakdown of Complaints Received by Issue



37. The most common cause of complaint remained service provision. The Council received 14 complaints about service provision, a decrease from 19 in 2020/21, although complaints about this issue remained higher than pre-pandemic levels when the Council received 12 complaints in 2019/20 and 13 complaints in 2018/19.
38. The second most common cause of complaint remained dissatisfaction with a decision/assessment. The Council received 13 complaints about this issue, an increase from nine in 2020/21, although complaints about this issue remained lower than pre-pandemic levels when the Council received 23 complaints in 2019/20 and 17 complaints in 2018/19.
39. The third most common cause of complaint was charges/fees. The Council received seven complaints about this issue, an increase from two in 2020/21, although complaints about this issue remained lower than pre-pandemic levels when the Council received nine complaints in 2019/20 and 13 complaints in 2018/19.
40. Contracted services and staff attitude/behaviour were the fourth most complained about issues during 2021/22. The Council received four complaints about contracted services, an increase from three in both 2020/21 and 2019/20 and one in 2018/19. The Council received four complaints about staff attitude/behaviour, the same number as in 2020/21. Complaints about this issue remained lower than pre-pandemic levels when the Council received 10 complaints in both 2019/20 and 2018/19.

41. Communication was the fifth most complained about issues. The Council received three complaints about this issue in 2021/22, a decrease from four in both 2020/21 and 2019/20 and six in 2018/19.
42. Information was the sixth most complained about issue. The Council received two complaints about this issue during 2021/22, a decrease from five in both 2020/21 and 2019/20 and three in 2018/19.
43. Lack of services was the least complained about issue. The Council received one complaint about this issue in 2021/22, an increase from zero in both 2020/21 and 2019/20 and the same number as was received in 2018/19.

Complaint Outcomes

44. 44 complaint investigations were concluded during 2021/22. The outcomes of these complaints are detailed in the chart below.

Service Area/Team	Upheld	Partly Upheld	Not Upheld	Inconclusive	Withdrawn	Total
Adult Contact Team (ACT)	1	0	0	0	0	1
Care Homes (contracted service)	1	2	0	0	1	4
Finance	3	3	5	0	0	11
Life Stage 26+	2	2	2	0	0	6
MCA/DOLS/Safeguarding	0	0	3	0	0	3
Mental Health	0	0	3	0	2	5
Occupational Therapy	2	0	0	0	3	5
Ongoing Assessment & Intervention Team (OAIT)	1	1	1	0	3	6
Responsive Integrated Assessment Care Team (RIACT)	1	1	1	0	1	4
Total	11	9	15	0	9	44

Local Government and Social Care Ombudsman (LGSCO) Complaints Received 2021/22

45. Three adult social care complaints were progressed to the LGSCO during 2021/22, compared to five in 2020/21 and 2019/20 and 13 in 2018/19.

Local Government and Social Care Ombudsman (LGSCO) Complaint Outcomes 2021/22

46. Four adult social care complaints were determined by the LGSCO during 2021/22, compared to four in 202/21, five in 2019/20 and 14 in 2018/19.
47. Full details of those complaints determined by the Local Government and Social Care Ombudsman are included in the Cabinet reports of 7 December 2021 and 6 September 2022 entitled [Review of Outcome of Complaints Made to Ombudsman](#).

Organisational Learning

48. 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 2021/22, some of which are detailed below.

Care Homes

49. Following a complaint regarding a care home, it was recommended the home's visiting policy was regularly reviewed during the pandemic to ensure it was consistent with Government guidance.

Finance

50. Following a LGSCO decision, the Council agreed to carry out a review of how it supports, monitors and audits recipients of direct payments. This is to ensure all current and future recipients of direct payments are adequately monitored and audited in line with statutory guidance.

Life Stage 26+

51. Following a complaint, it was recommended that a Direct Payment Procedure be developed to inform Adult Social Care staff of the use and processes involved in service users having a Direct Payment, including what Direct Payments can and cannot be used for.

MCA/DOLS/Safeguarding

52. Following a LGSCO decision, staff were reminded to ensure they adhere to the Council's safeguarding policy, in particular to retain complete and accurate records to demonstrate how decisions are made regarding safeguarding enquiries. Furthermore the Council decided to update existing/provide new training for staff in order to ensure social workers retain complete and accurate records to demonstrate how decisions are made, not only in relation to safeguarding enquiries but in other areas of social work practice.

Occupational Therapy

53. Following a complaint, it was agreed OT's would ensure that when they determine that a piece of equipment is not safe for use an alternative is provided. OT's also improved their knowledge of the financial assessment process.

Ongoing Assessment & Intervention Team (OAIT)

54. Following a complaint, social workers were reminded of the importance of holding Best Interests meetings to inform planning in adult social care and that this should always include an invitation to family members were identified as appropriate and with consent where possible of the cared for person. Social workers were also reminded of the

importance of recording all communication with family members with regards to the care of an individual.

Performance against the Procedure

55. The target for acknowledging receipt of complaints under the procedure is 3 working days.
56. 91.67% of complaints received during 2021/22 were acknowledged within the 3 working day timescale, an increase from 86.96% in 2020/21.
57. 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.
58. 15.56% of complaints were responded to within 30 working days, a decrease from 27.8% in 2020/21.
59. 45.5% of complaints exceeded the maximum six month time limit, an increase from 22.2% in 2020/21.

Performance Indicator for 2021/22

60. 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 four maladministration decisions during 2021/22, compared to one 2020/21, five in 2019/20 and nine in 2018/19.
61. Full details of those complaints determined by the Local Government and Social Care Ombudsman are included in the Cabinet reports of 7 December 2021 and 6 September 2022 entitled [Review of Outcome of Complaints Made to Ombudsman](#).

Further recommendations

62. 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. This resulted in a backlog of complaints and in the 2020/21 annual report it was recommended that Adult Services work to clear the backlog, which they successfully did during 2021/22.
63. While performance against the procedure was significantly lower than in 2020/21, this was as a result of the significant backlog that arose during the pandemic. There are no further recommendations arising from the 2021/22 annual report.