



Annual Report on Social Care Services (Adults Services) Complaints

1 April 2022 – 31 March 2023

Subject of Report:

Annual Report on Social Care Services - Adults' Services Complaints 1 April 2022 – 31 March 2023

Meeting:

Overview and Scrutiny Committee

Service report author:

Heather Dickie, complaints manager, dickieh@ealing.gov.uk, 020 8825 8424

Scrutiny officer:

Sam Bailey, head of democratic services, baileysa@ealing.gov.uk, 020 8825 7497

Cabinet Responsibility:

Councillor Binda Rai, health and adult services

Director Responsibility:

Kerry Stevens, director of adult social care, StevensK@ealing.gov.uk, 020 8825 6286

Brief:

To review the Adult Social Care complaints for 2022/2023

Recommendations:

The Committee is recommended to comment to officers and/or make any recommendations to Cabinet on the overall performance on complaints, progress in implementing the 2022/2023 improvement and development plan, and the extent to which lessons are being effectively learnt from complaints received.

1 April 2022 – 31 March 2023

1. Context

This report provides information about complaints made during the twelve months between 1 April 2022 and 31 March 2023 under the complaints and representations procedures established through Local Authority Social Services and National Health Services Complaints (England) Regulations 2009/309 (the 2009 Regulations) and the Council's corporate complaints procedure.

Under Regulation 18 of the Local Authority Social Services Complaints (England) Regulations 2006/1681 every Local Authority must as soon as reasonably practicable after the end of each financial year compile a report on the exercise of its functions under the 2006 Regulations.

On 1 April 2009 the 2006 Complaints Regulations were revoked and replaced by the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. These are aimed at streamlining complaints procedures.

Most of the new Regulations (including new annual reporting provisions) came into force on 1 April 2009.

The relevant Regulations for the purpose of this report are therefore the 2009 Regulations.

All timescales contained within this report are in working days.

2. The Social Care Complaints policy and procedure

Our policy is about putting the service user, and/or their representative, at the centre of efforts to resolve the issues they have raised. We recognise the importance of listening to our service users' experiences and views about our services – particularly if they are unhappy – and we want to make it as easy as possible for them to let us know their views.

We will ensure that representations are dealt with in a way that is:

Open – information gathered about the issues raised and the way in which they have been handled will be shared in full.

Clear – the representation and the way in which it will be handled will be agreed at the start with the complainant.

Responsive – the needs of the complainant and/or service user/carer will be taken into account in determining the method of addressing their concerns.

Flexible – the complaint/representation handling will be determined by the nature of the complaint and views of the complainant.

Proportionate – the efforts to resolve and time taken in addressing the issues raised will reflect the significance of those issues.

Accessible – the procedure will be easy to access and use.

Timely – complaint handling will be conducted in a timely way – rather than subject to pre-set timescales.

Resolution focussed – at all points through the process we will look to resolution

3. How complaints are dealt with

Complaints will be dealt with in a way that is most suitable to the issues raised rather than according to a set procedure. The way in which the complaint will be addressed will consider the:

- complainant's views
- nature of the complaint
- potential implications for the complainant
- potential implications for the organization

4. Assessing how serious a complaint

It is useful to categorise a complaint when it is first received using a risk matrix to assess the seriousness of an issue and take the relevant action. Complaints are assessed according to the following categories:

- **Low risk** – Unsatisfactory service or experience not directly related to care. No impact or risk to provision of care. Unsatisfactory service or experience related to care, usually a single resolvable issue. Minimal impact and relative minimal risk to the provision of care or the service.
- **Medium risk**- Service or experience below reasonable expectations in several ways, but not causing lasting problems. Has potential to impact on service provision.
- **High risk**- Significant issues regarding standards, quality of care and safeguarding of or denial of rights. Complaints with clear quality assurance or risk management issues that may cause lasting problems for the organisation, and so required investigation.

Deciding how likely the issue is to reoccur is also taken into consideration and processed accordingly.

- **rare** – Isolated or 'one off' – slight or vague connection to service provision
- **unlikely**- Rare – unusual but may have happened before
- **possible** – Happens from time to time – not frequently or regularly
- **likely**- Will probably occur several times in a year

- **almost certain** - Recurring and frequent, predictable

5. Confidence in the process

We want everyone who is involved to feel confident in the process and will achieve this through a procedure that ensures:

- concerns are taken seriously
- complaints are dealt with promptly and effectively
- there is a full response and a clear outcome for complainants
- complaints are dealt with fairly and impartially
- all those involved in the process are treated with dignity and respect
- there is equality of access and standard of service for all complainants, with particular consideration for those people who may find it more difficult to use the process, for example people with disabilities, those whose first language is not English
- complaints drive learning and improvements

6. What is a complaint?

A complaint is any expression of dissatisfaction about a service that is being delivered or the failure to deliver a service.

A complaint/representation can be made in person, in writing, by telephone or email or through the Council's website. Every effort should be made to assist people in making their complaint and any member of staff can take a complaint, if that is what the complainant wishes.

The word 'Complaint' does not have to be used before it is dealt with as such. If it is evident that the person (complainant) is not happy and that the issues cannot be resolved immediately, it may well be appropriate to treat their concerns as a complaint.

7. Who can make a complaint?

A complaint can be made by:

- a person who receives or has received services from Adult Social Services
- a person who is affected, or likely to be affected by the action, omission, or decision of Adult Social Services
- a person whose complaint about Children's Social Services falls outside the remit of the Children Act 1989 Representation Procedure (England) Regulations 2006
- a representative of a child or a person who has died or a person who is unable to make the complaint themselves due to physical incapacity or lack of capacity within the meaning of the Mental Capacity Act 2005

- a representative of a person who has requested that the representative act on their behalf
- a complaint can only be made by/on behalf of someone to whom the Local Authority may have the duty or power to provide a service

Any decision that a complainant is not a qualifying complainant will be made by the Complaints Manager, in consultation with the appropriate Service Manager and the complainant will be informed in writing.

8. Complaint statistics 2022/23

Under the 2009 Regulations, the Adults' Complaints process is a single stage process. Complaints are risk assessed on receipt as low, medium or high risk. The timescale and procedure for investigating and responding to complaints depends on the outcome of the risk assessment.

A further option for complainants is the Local Government Ombudsman (LGO) who is empowered to investigate where it appears that a council's own investigations have not resolved the complaint. Complainants can refer their complaint to the LGO at any time, although the Ombudsman normally refers the complaint back to the council if it has not been considered under our procedure first.

As a result of extensive pre-complaint work with the various teams, the number of formal complaints has decreased. Pre-complaints are recorded as representations and every effort is made to resolve the concerns before it is escalated to a formal complaint.

9. Adult social care complaints

The Adults' Complaints Service recorded 61 complaints during the year, 2022/23, there were also 61 complaints in the same period last year. The total number of complaints that will be used for this report is 61.

No new statutory complaints received during 2022/2023 were externally investigated. There were no corporate complaints for this period.

Table 1 (below) summarises complaints received during 2022/ 2023 and by the level of risk assessed (for statutory complaints) No complaints was deemed to be medium or high risk.

Table 1 – Adult Social Care Complaints 2022/23

Services Area	2021/2022	2022/2023
Adults' statutory complaints	61	61

10. Comparison with other local authority

The Local Government Ombudsman’s annual report provides comparative information in relation to enquiries for Local Authorities. This can be accessed via the Local Government Ombudsman website.

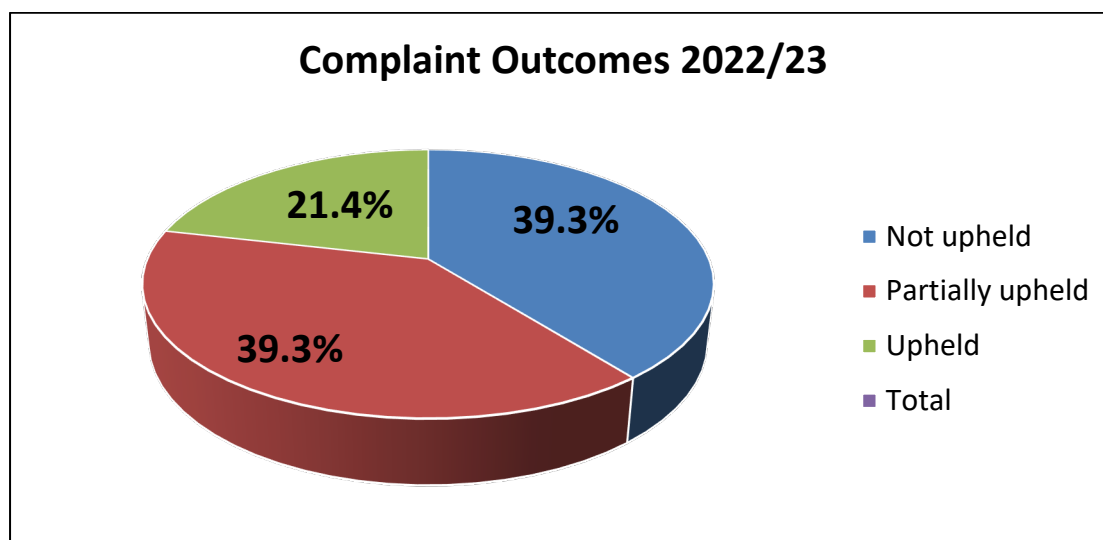
11. Complaint outcomes

Table 3 and chart 1 below shows the complaint outcomes for 2022/23 in comparison to 2021/22. The number of upheld complaints is 21.4% and the number of complaints that are not upheld has slightly decreased from 41% to 39.3%. Partially upheld complaints have increased from 34.4% to 39.3%%.

Table 2– Adults’ Complaint Outcomes comparison 2022/23

Outcome	2021/22	Percentage	2022/23	Percentage
Upheld	12	19.7%	13	21.4%
Not upheld	25	41%	24	39.3%
Partially upheld	21	34.4%	24	39.3%
Ongoing	1	1.6%	0	0%
Withdrawn	2	3.3%	0	0%
Total	61	100%	61	100%

Chart 1 – Complaint Outcomes 2022/2023



A key requirement of the reform of our complaints procedures has been the importance of informing our service users of the outcome of their complaints.

Definition of Outcomes

There are three main categories for classifying the outcome of a complaint.

Upheld – This is where the council has accepted responsibility for the matter arising. This is followed up with a detailed letter of apology and clarification with reasons and remedies and actions to ensure such a complaint does not recur.

Partially upheld – This is where the council accepts some responsibility for part of the complaint. A response outlining the part that is upheld is sent, stating any reasons and proposed remedies.

Not upheld – This usually means that the investigation into the complaint has not found the council at fault. This is explained carefully and thoroughly in writing with appropriate reasons for this conclusion.

12. Response times

- During 2022/2023 the department acknowledged 100% of complaints within 3 days and responded to **92%** of all complaints within 20 working days for low risk complaints. This is an increase from 84% of complaints that were responded to on time in 2021/22. Some complaints can be responded to within 25 working days with a possible extension of a further 40 working days for medium/ high risk complaints. Due to it being a single stage process, in some cases when the complainant is not satisfied with the initial response, they will request a review and further response.
- It is essential that all teams delivering services (including the department’s contractors) formally capture and record complaints. It is only by doing so that complaints can be tracked and where things have gone wrong managers can ensure that matters are put right. The complaints manager meets with senior management to encourage teams to recognise and record complaints and report these to the Customer Care Team.

13. Local Government Ombudsman

A complainant has the right to raise a complaint with the Local Government Ombudsman at any time. However, the Ombudsman will usually refer the complaint back to the council if it has not previously been considered under the council’s procedures. Such complaints are described as premature.

In 2023/23 The Customer Care Team received 15 Ombudsman enquiries in relation to adult services, this is the same as the previous year. 2 of the complaints were upheld. The following table summarises the outcomes.

Table 3 – Adult Services Ombudsman 2022/23

Outcome	Number of complaints
Closed after initial enquiry	7
Incomplete/invalid	2
Referred back for local resolution	2
Upheld	2
Not upheld	2
Total	15

Full details of all LGO investigations can be found on the Local Government Ombudsman website.

Below are the outcome summaries for the upheld, not upheld complaints as well as some examples of other complaints.

14. Complaint information

In 2022/23, over 5700 new requests were received for Adult Social Care support, down significantly from 7000 in 2021/22, and nearly 2,500 people qualified for and received a service, down from 3000 in 2021/22. Over 4570 people received a long-term service in 2022/23, up from 4350 in 2021/22.

As 61 complaints were received, the number of complaints received as a percentage of the service requests equals 1.1%. This is a slight increase in percentage compared to 2021/22 which was 0.9%.

The table below shows a breakdown of the 5709 contacts received:

Table 4 – New Requests for Support by Route of Access 2022/2023

Route of Access	Transition from Children's	Discharge from Hospital	Hospital Admission Avoidance	Community	Self-Funder	Total
Reablement Team	0	465	22	733	1	1221
Nursing	0	3	0	48	2	53
Residential	1	2	0	37	0	40
Community Service	11	566	11	404	6	998
NHS Funded	0	30	1	36	0	67
End of Life Care	0	37	1	34	0	72
Low Level Support	2	94	33	891	1	1021
Short Ter Support	0	55	2	54	0	111
Universal Service/ Signposting	0	11	2	276	3	292
No services provided - Deceased	0	111	2	22	0	135
No services Provided - Other reason	6	577	8	1106	2	1699
Grand Total	20	1951	82	3641	15	5709

Table 4.1. Number of Service Users in 2022/23 by Service Setting

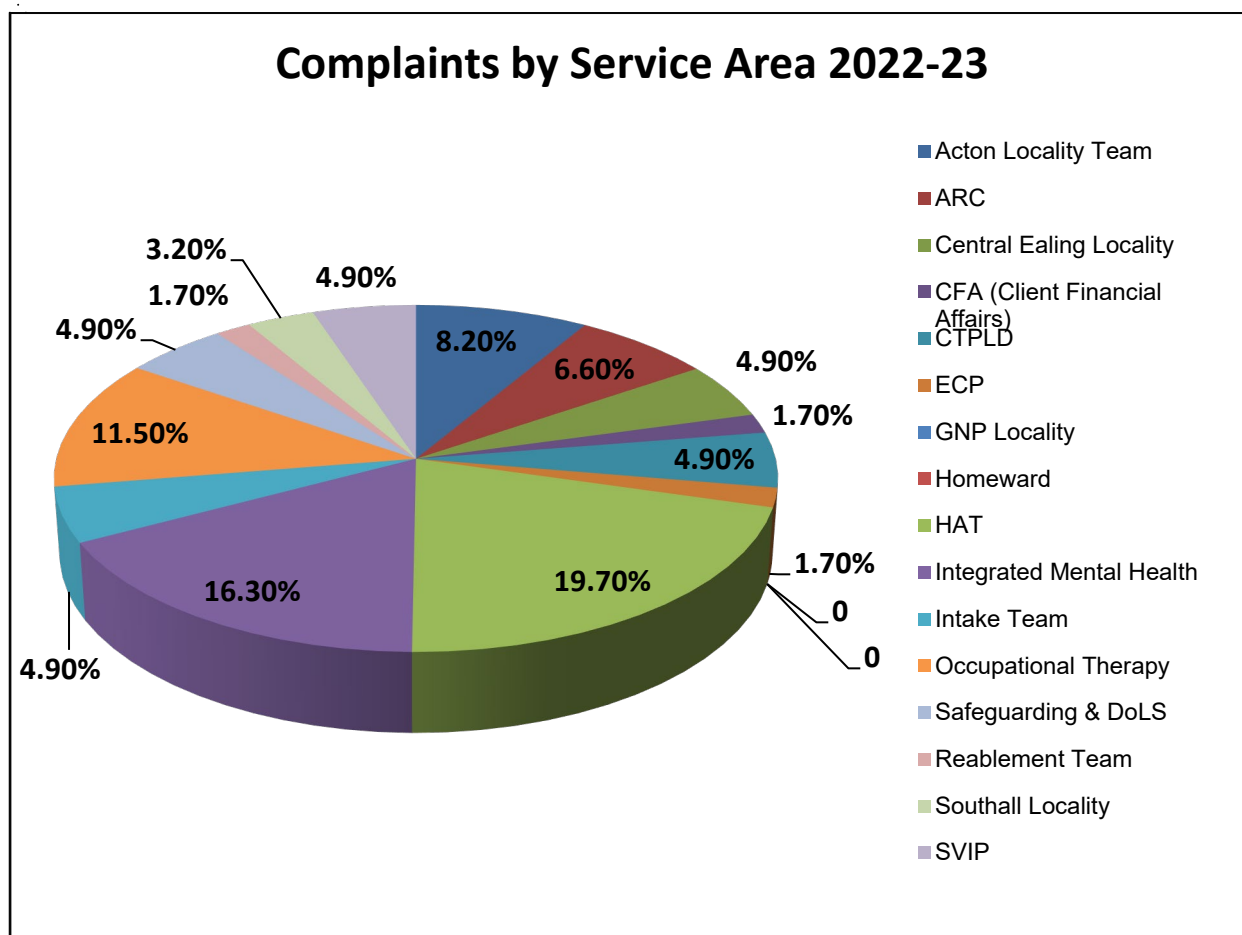
Service Setting	18-64			18-64 Total	65+		65+ Total	Grand Total
	Indeterminate	Female	Male		Female	Male		
Community	1	567	798	1366	1510	950	2460	3826
Residential	0	56	118	174	147	91	238	412
Nursing	0	12	18	30	180	124	304	334
Grand Total	1	635	934	1570	1837	1165	3002	4572

Table 5 – Showing the breakdown of complaints per service area

Service Area	Number of Complaints	Service Area %	Upheld Complaints
Acton Locality Team	5	8.2%	1
ARC	4	6.6%	2
Central Ealing Locality	3	4.9%	0
CFA (Client Financial Affairs)	1	1.7%	0
CTPLD	3	4.9%	0
ECP	1	1.7%	0
GNP Locality	2	3.2%%	0
Homeward	1	1.7%%	0
HAT	12	19.7%	3
Integrated Mental Health	10	16.3%	3
Intake Team	3	4.9%	1
Occupational Therapy	7	11.5%	1
Safeguarding & DoLS	3	4.9%	0
Reablement Team	1	1.7%	0
Southall Locality	2	3.2%	1
SVIP	3	4.9%	1
Total:	61	100%	13

The highest number of complaints relates to the Hospital Assessment Team with 12 complaint and second, the Mental Health with 10 complaints. Both teams having 3 of the complaints upheld.

Chart 2 – Complaints per Service Area



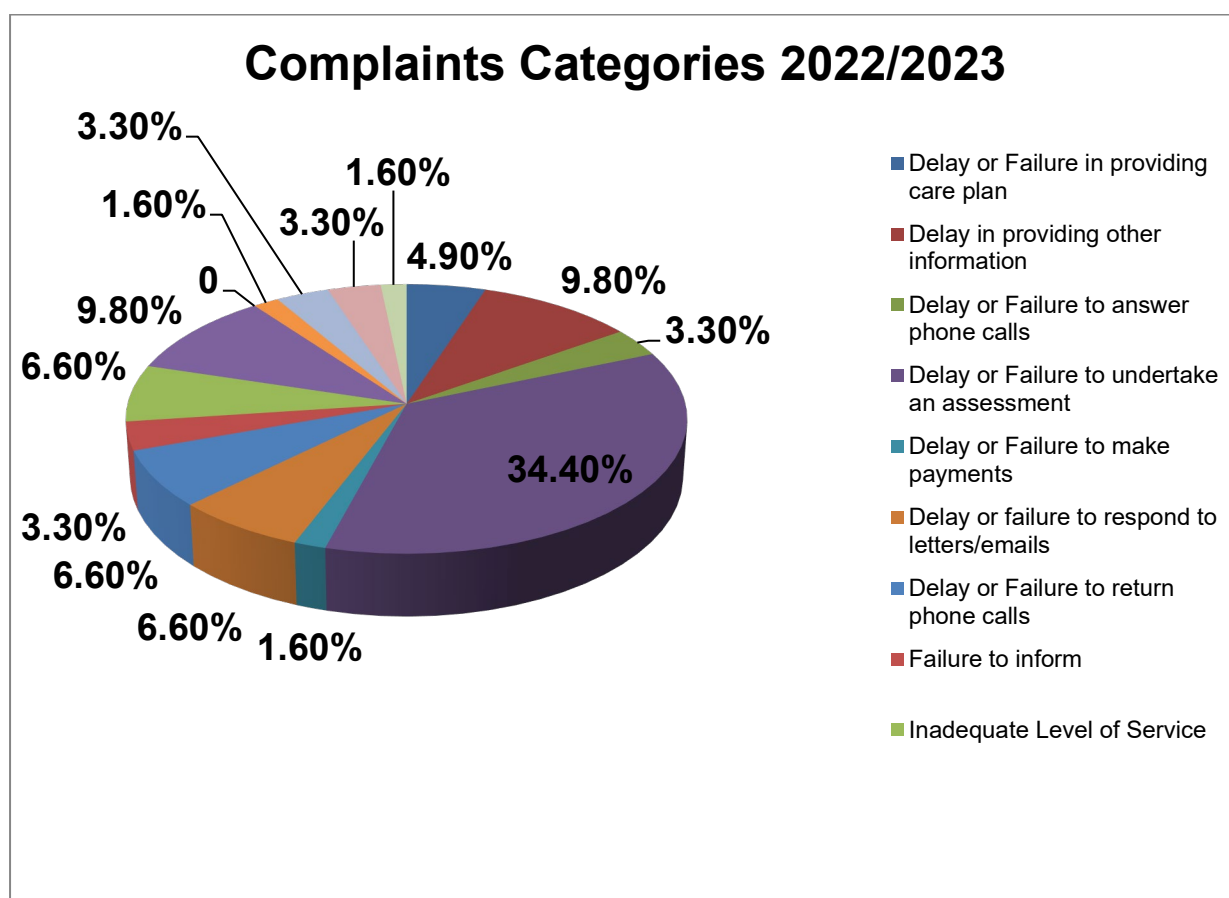
15. Nature of complaints

Table 6 – Type of Complaint 2022/2023

Category of complaint	Number	Percentage %
Delay or Failure in providing care plan	3	4.9%
Delay in providing other information	6	9.8%
Delay or Failure to answer phone calls	2	3.3%
Delay or Failure to undertake an assessment	21	34.4%
Delay or Failure to make payments	1	1.6%

Category of complaint	Number	Percentage %
Delay or failure to respond to letters/emails	4	6.6%
Delay or Failure to return phone calls	4	6.6%
Failure to inform	2	3.3%
Inadequate Level of Service	4	6.6%
Incorrect assessment of need	6	9.8%
Incorrect demand for payment/financial assessment	2	3.3%%
Rude or Aggressive – staff conduct	1	1.6%
Poor standard of work	2	3.3%
Unreasonable decision	2	3.3%
Unsuitable supervision of contact	1	1.6%
Total	61	100%

Chart 3- Showing summary of complaint categories (secondary) for 2022/23



All complaints are categorised under the following primary problem categories. The secondary problem categories are broken down in table 6 above.

Table 7 – Primary Problem Category 2022/2023

Category of complaint	Number	Percentage %
Contact	2	3.3%
Delay or failure to provide a service	38	62.3%
Inadequate service	18	29.5%
Refusal to provide a service	1	1.6%
Staff Conduct	2	3.3%
Total	61	100%

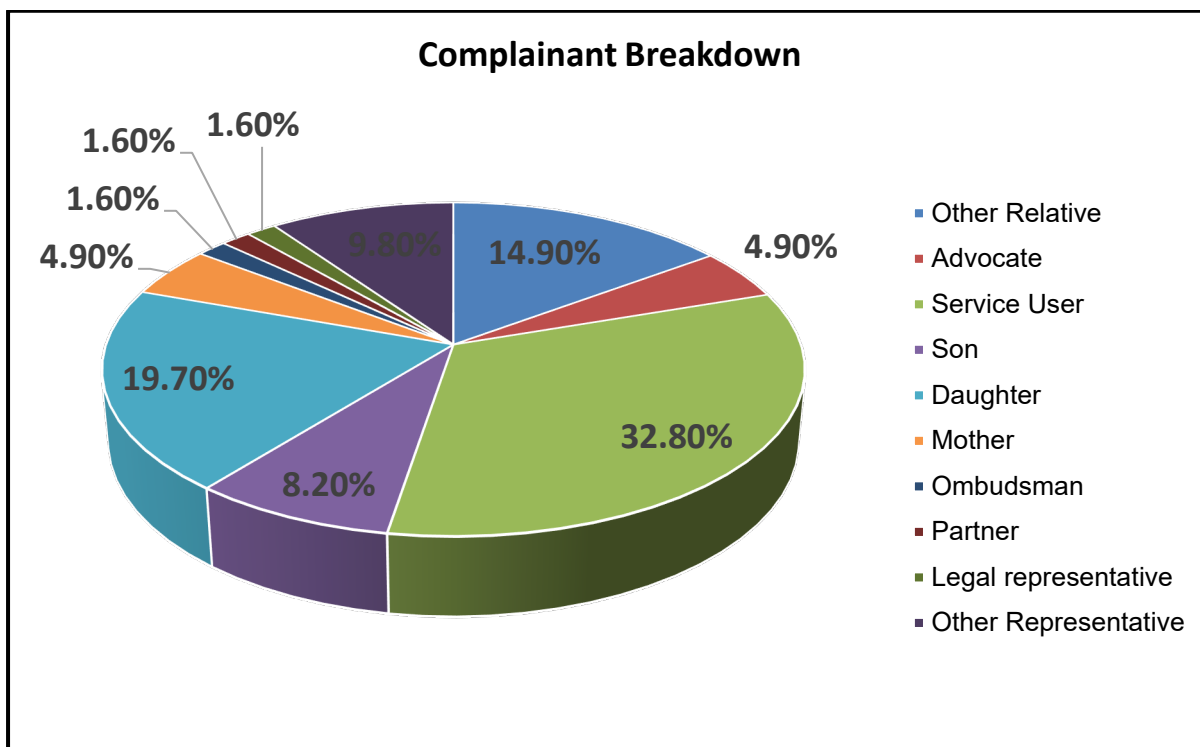
16. Complaint made by:

Following the guidance produced by the Department of Health and the Department for Education and Skills, we identify who is making the complaint to get a greater understanding of our complainants. 32.8% of complaints were made by the service users themselves. 29.9% of complaints were made by the service son or daughter of the service user.

Table 8 – Adults Statutory Complaints made by customer representative analysis 2022/2023

Representative	2022/2023	Percentage
Other Relative	9	14.9%
Advocate	3	4.9%
Service User	20	32.8%
Son	5	8.2%
Daughter	12	19.7%
Mother	3	4.9%
Ombudsman	1	1.6%
Partner	1	1.6%
Legal representative	1	1.6%
Other Representative	6	9.8%
Total	61	100%

Chart 4 – Complaint made by analysis.

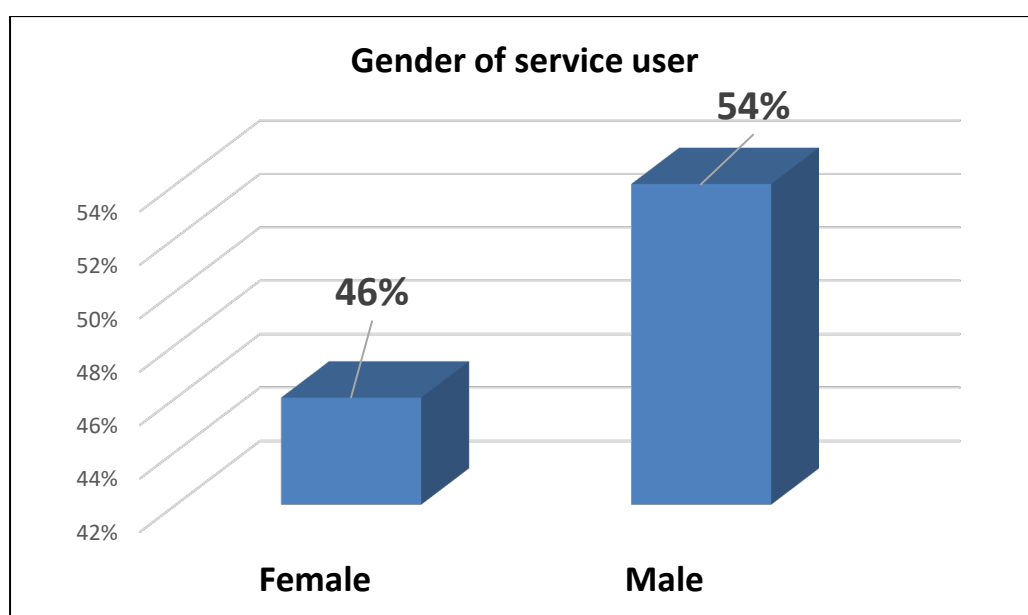


17. Equalities Information – Service users

Table 9 – Adult Complaints gender breakdown of service user

Gender	2022/2023	% Total
Male	33	54%
Female	28	46%
Total	61	100%

Chart 5 – Gender breakdown of Service User



18. Ethnic Origin of Service User

Table 10 – Ethnicity of Service User 2022/2023

Ethnicity	2022/2023	% Total
Asian British	22	36.1%
Black African	2	3.3%
Black British	4	6.6%
Black Caribbean	3	4.9%
Mixed Other	1	1.6%
Mixed White & Asian	1	1.6%
White Irish	1	1.6%
White UK	17	27.9%
White Other	4	6.6%
Not stated	6	9.8%
Total	61	100%

*NB – All % Total rounded to the nearest whole number
Chart 6 – Ethnicity of service user

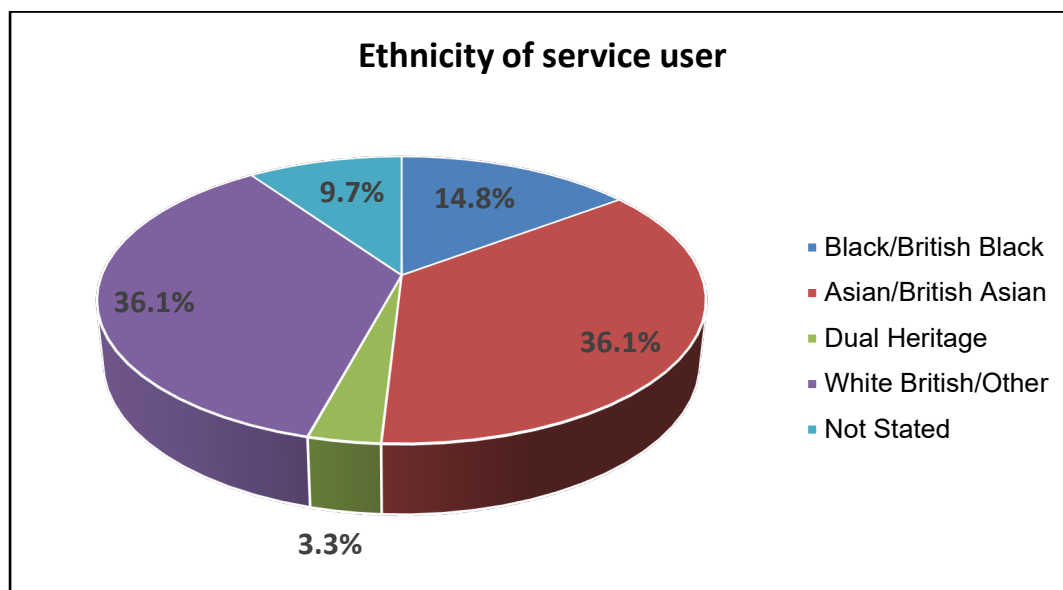


Table 10.3 Ethnic Origin of Service User 2022/23

Category	Complaints made 2022/23	% Total	Number of Adults receiving a service Population 18+ (As at 31st March 2023)	Local Population
Black/British Black	9	14.8%	17%	48.8%
Asian/British Asian	22	36.1%	29%	3.1%
Dual Heritage	2	3.3%	2%	32.3%
White	22	36.1%	46%	9.6%
Other ethnic group/Arab	0	0%	3%	6.2%
Unknown/Undeclared	6	9.7%	1%	-
Total	61	100%	100%	100%

*NB – All % Total rounded to the nearest whole number
 (According to the GLA's 2016-round ethnic group (central trend) population projections (EGPP), Ealing's population in 2022 was projected to be 55% BAME and 45% White. The overall White category includes White British (24%), Other White (18%), and White Irish (3%).

19. Learning from complaints

Complaints provide senior managers with useful information in respect of the way that services are delivered and how customers perceive services.

In order to learn from complaints and actually deliver improvements in service delivery and business processes, the service is required to monitor the operation and effectiveness of the complaints procedure and to identify how information is being used to improve service delivery.

The complaints information captured from this monitoring is used in a number of ways including:

- the dissemination of this information to line managers
- its use as a measure of performance and means of quality control; and
- information derived from complaints about services subject to Statutory Regulation, or where services purchased under contract are concerned, to the person responsible for monitoring the contract.

The information collected during the monitoring of process and individual complaints provide invaluable feedback on performance management and operational matters such as how policies are interpreted by staff and service users. It also highlights how effective communication is within the authority and to the public, where staff training is required and whether resources are targeted correctly.

20. Compensation

Table 12 – Compensation payments

Compensation	Amount
Compensation payment (against service area cost centres)	£800
Reimbursement of fees (LGO complaint)	£16 250
Total	£17 050

The council provides compensation if, after a complaint has been investigated or as part of an Ombudsman's investigation, it is concluded that:

- the Ombudsman would find that there has been maladministration by the Council causing injustice to the complainant; and
- the Ombudsman would recommend that compensation should therefore be paid to the complainant.

Compensation was paid out in relation to 2 complaints that were raised in the previous year, however concluded in 2022/23 when the payments were made. The total paid for compensation was £800.

One of the remedies of the ombudsman complaints was that the council reimburse (or deduct from any outstanding fees) any costs paid towards the cost of the

residential care bed in a care home for a specific period of time, amounting to £16 250.

21. Links to Strategic Objectives

Council plan 2022-26

Ealing Council's [council plan](#) sets our vision and strategy for 2022-26 and our 'promises' to focus on the priorities of our residents, businesses, and other stakeholders. It is our high-level strategic response to the opportunities and challenges facing us now and in the future. We will focus on three cross cutting strategic objectives over the next four years to realise our vision for the borough: create good jobs, tackle the climate crisis and fighting inequality. These cross cutting objectives are supported by nine aims which have been agreed with local partners in health, education, policing, employment, housing, local business and the voluntary and community sector and are overseen by members of the council's cabinet.

Adult Services is key to delivering the 'Healthy Lives' priority to support and ensure that residents are physically and mentally healthy, active and independent and the Council plan sets out the key promises and activities which will be delivered over the next four years. 4-year priorities include:

- Ensure every care worker in Ealing is paid the London Living Wage
- Deliver 300 new state of the art supported accommodation homes
- Support 3,000 of the most vulnerable residents to get the care in their own homes
- Tackle health inequalities highlighted by COVID-19, investing £100million in the next four years

There is also an Annual Delivery Plan that sets out in year objectives that relate to increasing the quality and effectiveness of our adult social care services.

22. Compliments

The staff are encouraged to share compliments with the Customer Care Team so that they can be logged. In 2022/23, 17 compliments were recorded.

Compliments are important as they have a positive impact on the service, it is also important to note that in addition to complaints received there are also service users who take the time to send in thank you notes and compliments.

Examples of compliments received:

Hospital Assessment Team

Good afternoon

I just wanted to say a massive thank you to you for your hard work, pleasant communication and dedication in promptly finding a new placement for my dad. All

through this process you have listened, kept us updated and dedicated yourself to releasing my dad from the neglectful situation at Cedar House.

My family and I are grateful that we found a professional that truly knows and enjoys her job.

Best wishes for the future.

CTPLD

I have and continue to work with most authorities in the United Kingdom, and I have found Ealing to be the most organised, professional, knowledgeable and good communicators. I am sad to say that this is not a consistent approach that many other authorities follow and could learn from your robust systems and processes. Thank you for the great work you do working in partnership with us". Thanks all - I can't tell you how much more efficient your processes are than the majority of authorities so wanted to pass this on. Could this be passed to the lead.

Safeguarding and DoLS

Dear Jenny

Just to let you know that Mary is now settled at Chestnut Lodge.

We are all so grateful and thank you for

any assistance you gave to us in trying to sort out the problems and finally getting a place at a really good care home Chestnut Lodge.

Intake Team

Yes, we have brought back my father yesterday and like to thank you very much for your support.

It's after a long time that we have a great Social Worker with great standards on whom we can trust and rely 100%.

Once again thank you for everything you have done for us so far.

I am sure you will climb up the ladder very fast in your profession but will not be too good for me if you did, anyway, wishing you the best in carrier.

Occupational Therapy Team

We just wished to record our most grateful thanks for the work undertaken by Ealing Council in respect of access, front & rear, and a new wet room. My mother is delighted with the work and very appreciative of the workmen's efforts. Your support and assistance also went along way to enabling her to enjoy a better quality of life. Thank you.

Safeguarding and DoLS

I have been planning on writing to you to express the utmost praise for Denise for her extraordinary diligence, tremendous business acumen, heartfelt care, and going above and beyond to assist with processing care needs, is clearly one of a kind and a tremendous asset to your team and Ealing Council.

Intake Team

I wanted to say a big thank you to your team and Ana Atu in particular who has been dealing with my mum's case.

Thank you so much for the support, compassion and sensitivity shown to mum and our family during such a difficult time.

Ana called me with details of the hand over last Thursday and even then was kind and patient when explaining to me.

In these times when everyone is working hard and under so much pressure, we are very grateful for her professional support but mostly for kindnesses, patience and sensitivity.

Occupational Therapy Team

Once again, I would like to say a massive thank you to you. I really don't think that I would have moved forward at all without all your sterling efforts and dedication. Ealing's lost will be somebody else's gain in having you as their Occupational Therapist. I would like to take this opportunity to wish you all the very best for your new role and every success.

Reablement Team

I am writing to forward Mr. Reed's feedback. He stated the carer Joseph who visited yesterday afternoon was very kind and attentive/listening. He helped him with a bit of personal care and shopping. He stated he was very friendly and helpful in helping him with what he needed. He was very impressive and his skills were excellent.

Excellent service! Keep it up.

Homeward

I wanted to say a big thank you to your team and Anna in particular who has been dealing with my mum's case.

Thank you so much for the support, compassion and sensitivity shown to mum and our family during such a difficult time.

Anna called me with details of the hand over last Thursday and even then was kind and patient when explaining to me.

In these times when everyone is working hard and under so much pressure, we are very grateful for her professional support but mostly for kindnesses, patience and sensitivity.

Thank you.
Merry Christmas

Intake Team

Just to say thank you for all your support this whole week! I heard from the care agency, and they have appointed the same carer as dad! She will be staying longer to cover mum's care as well. We are so grateful to you, my dad sends his best wishes to you and thanks, for supporting us in a very difficult situation. It puts him also at great ease, he was feeling uncomfortable receiving care without being able to support mum in the same way. You have been very kind to us!

The lovely carer lady is going to start tomorrow morning, I have already told her about the medication.

Thank you again for all your support, I will keep you posted on how things are progressing. You have been incredible support to me and my dad.

Reablement Team

I have just received a phone call from Ms Sharma's daughter Jyoti.

Jyoti had stated that she thinks that Jane has been "amazing and an absolutely incredible carer" she went on to say that "Jane is miles better than any other carer that has worked with her mother" and her communication style with her mother is what she thought adult social care would be like.

I just wanted to pass on the positive feedback that your carer has received and thank you again for accepting this POC it has been very helpful 😊

Reablement Team

This is to thank you and your team for all your help. I was very weak and muddled when I came home from hospital and now, I'm stronger and much better. I've enjoyed the daily visits and will miss you all.

Mental Health

I am writing to express thanks and compliments for Nida's help in getting one of our residents, Glen, moved on to Moorlands.

We've been struggling to get the support required for over a year to move Glen on to an appropriate placement. Since Nida came on board with Glen's case (since November) she's been very responsive, reliable and proactive in ensuring that actions agreed are followed through. We had a lot of barriers to the move, and Glen can be quite obstructive at times. Nida persevered and we felt as a team that she

worked collaboratively with us to ensure Glen got the necessary support and didn't continue to "fall through the cracks".

We look forward to working with Nida in the future.

(*names have been changed for confidentiality)

End of report