

**Adult Social Care Statutory Representations and Complaints
Procedure
Annual Report
2023-2024**

Adult Social Care Services



Compliments Comments Complaints

Make your views known

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1. Purpose of Report

1.1 This is the Annual Report for Worcestershire County Council on the operation of the Representations and Complaints Procedure in respect of Adult Social Care Services from 1 April 2023 to 31 March 2024.

2. Background

2.1 The Local Authority Social Services Act 1970, as amended by the National Health Service and Community Care Act 1990, and Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 require the County Council to have a procedure for resolving complaints and representations received by, or on behalf of, adult service users.

2.2 A requirement of the procedure is that an annual report is presented to the County Council about compliments, comments and complaints received through the year. This report is open to inspection by members of the public under the terms of the Local Government (Access to Information) Act 1985.

3. Overview of complaints

3.1 Number of complaints received.

3.1.1 The number of complaints received in Adult Social Care, increased from 250 in 2022/23 to 376 in 2023/24. However, during 2023/24 a new representation system was commissioned and this gave members of the public access to the complaints process via the Council's website and representations were automatically logged into this system. As a result 129 complaints received were duplicates and therefore this means that 247 new complaints were received, which is on a par with the 2022/23 figures.

Of those representations raised there were 4,7992 people making a contact with Adult Social care in the 2023/24 year.

There were 12 informal complaints reported this year. (See appendix 1 for full data).

3.1.2 Some Social Care complaints, which do not relate to individuals or the services they receive, are dealt with through the Corporate process. This year 5 complaints were dealt with through the Corporate complaints procedure, mainly in regard to the standard of service received.

3.2 Ombudsman Complaints

3.2.1 This is a brief summary of the Local Government Ombudsman (LGO) complaints received, and those where decisions were made this year:

- 19 complaints were received, and 21 were determined.
- Of the determined, 3 were upheld, and were found as maladministration with injustice. 1 was closed after initial inquiries with no further action, 7 were upheld with no further action, 5 were closed after initial enquiries as Out of Jurisdiction, 3 were deemed a premature referral to the Ombudsman, and 2 were deemed as resolved before the Ombudsman investigated.

- The 3 upheld decisions and fault found, were complainants who were dissatisfied with the response they had received to their formal complaint from Worcestershire County Council.

3.2.2 For the purposes of this annual report we have used the Council's figures. The LGO has published a report but accepted that their figures would not match the data collected by Local Authorities due to the timescale of decisions being reported. This is because a snapshot is taken at a point in time therefore dependent on the stage of a complaint at that point both sets of figures may never match.

3.3 What is being complained about?

3.3.1 The primary areas of complaint are as follows (See appendix 1 for full data):

a) Assessment, support planning and resource allocation

3.3.2 The core business of Social Work includes assessment, support planning and resource allocation, which receives the highest level of complaints. Within this area, the largest areas of complaint are around communication and standard of service received from staff.

b) Other areas: Contracted residential care and domiciliary care and financial assessments

3.3.3 There has been an increase in complaints regarding externally and internally commissioned care providers. These figures only show the complaints being dealt with through the Council's formal process, and do not include complaints received directly by the services or dealt with via the Council's quality assurance processes.

Finance is an area that has seen a decrease in complaint numbers.

3.3.4 There was a decrease in the number of complaints that related to the standard of service received in the complainant's view. 56% of complaints received in 2023/24 (as compared to 65% in 2022/23) were related to standard of service and reflects a decrease of 9%. Standard of Services includes service delivery, assessment of eligibility for services and timeliness in receiving services. Not all adults will be eligible for services from Adult Social Care following assessment. This can inevitably result in challenge and disagreement on how individual needs can be met. These are often emotive and challenging situations which can stimulate complaints where people do not agree with the practitioner's views or level of service received. Delays may also be incurred due to sourcing the right support, again leading to a complaint. Concerns raised regarding a lack of empathy and compassion shown to service users, the standard of care received on domiciliary visits i.e., not staying for the full time allotted and the amount of attention given to residents, not wearing the necessary Personal Protective Equipment.

A breakdown of the service areas is shown in Appendix 1.

3.4 Upheld Complaints

3.4.1 For those complaints either fully or partially upheld, one of the main issues was around standard of service and communication.

3.5 Learning from Complaints

3.5.1 Learning from complaints is an important aspect of the complaint procedure, and there is a requirement that Adult Social Care evidence how learning from complaints feeds into service delivery and development.

3.5.2 A Key Learning Form is used to capture the learning and provide an audit trail of its implementation. The information from the Key Learning Form then feeds into the quarterly reports provided for the Senior Management Team meetings. In this way information derived from complaints can be used as a measure of performance and can contribute to practice development, commissioning and service planning. In many instances, outcomes to complaints are specific to the case and there are no general learning points that would influence policy or procedure.

3.5.3 Key Learning Forms are also discussed in the Operational Manager's meetings, where specific elements of learning are discussed, and actions agreed. Individual issues about specific teams are dealt with through supervision with the area managers and team meetings.

3.5.4 These are some examples of learning this year:

What people have complained about	What action has been taken as a result
Complaint regarding care being provided	Key learning takes place within the team to ensure that information is checked thoroughly to ensure that the correct decisions are made.
Service failed to provide Replacement care	Replacement care is currently purchased from providers in an open market. The current contracts do not obligate them to provide replacement care. Furthermore, where a care home is registered for individuals over 65 and also under 65, any acceptance of placements will depend on the home being able to meet the needs of the person at that time. Recognising this and the council's commitment to improving services. Our commissioning colleagues will be developing a framework of providers for replacement care and there will be a mandate to provide short-term replacement care more attractive to providers and avoid the minimum week stays that has happened in some cases. It is anticipated that once this framework is in place, the replacement care sourcing process will be a lot more conducive to situations like this, and there will be success in future.
Concerns about charging for care.	Need to clearly document discussions in case notes if they are not being followed up by a letter. In Team Meetings to be discussed whether we should move to confirming these details to people in writing going forward as part of our normal processes in order to avoid any confusion.

3.6 Financial Redress

3.6.1 As an outcome of some of the upheld or partially upheld complaints Adult Social Care agreed to write off certain charges or make ex gratia payments. Payments this year totalled £19,972.71.

3.7 Time Limits

3.7.1 There are no prescribed time limits for dealing with complaints, although the legislation suggests a maximum of 6 months. The expectation is that reasonable timescales are negotiated and agreed with the complainant. Adult Social Care has set default time limits of 35 working days for the completion of complaints, although it is possible to extend the timescales for more complex complaints.

3.7.2. Of the Low-Risk complaints responded to, 76% were responded to within timescale; for Moderate Risk complaints 57% were responded to within timescales. However moderate complaints tend to be more complex and cover more than one service.

3.8 Advocacy

3.8.1 There were 5 complaints this year supported by an advocate. This service can help you understand the care and support process.

Help you challenge decisions about your care and support if you do not agree.

Support you to make a complaint about social care.

3.9 Compliments and Comments

3.9.1 There were 256 compliments received this year.

3.9.2 The majority of compliments are regarding exemplary assistance from staff, and the standard of service provided. There has been an increase of 8% from 2022/23.

Detailed information is contained in Appendix 4

Comments on this report are welcomed and requests for further information should be directed to:

The Consumer Relations Officer, (Adult Social Care Services)

Telephone: 01905 844096

Email: representations@worcestershire.gov.uk

Consumer Relations Unit
County Hall
Worcester
WR5 2NP

This document can be made available in other languages and alternative formats (large print, audio tape, computer disc and Braille) by contacting the Consumer Relations Unit on telephone number 01905 844096.

Appendix 1

Formal Complaints Process

Complaints are grouped according to the area of service provision, which are:

Numbers of Adult Service complaints received.

Level	2022-23	2023-24
Low Risk	203	337
Moderate /High Risk	47	39
Informal	14	12
LGO	15	19
Total	279	407

Complaints by Service Area

Service Area	2022 -23	% Share 21-22	2023-24	% Share 23-24
Central Services	61	21%	36	10%
Continuing Health Care/Vulnerable Adults	-	0%	18	5%
Commissioning	3	1%	4	1%
Learning Disabilities	17	6%	36	9%
Mental Health	22	8%	18	5%
Area Social Work Teams	79	28%	180	47%
Provider Services	78	27%	58	15%
Quality, Safeguarding, DOLS & Prisons	15	5%	16	4%
Urgent Care	11	4%	11	3%
Young Adults Team	-	-%	2	1%
Total	286	100%	379	100%

N.B These totals are for those complaints entering the formal process, excluding those received via the LGO. Central Services include Finance, Debt, Deputies & Appointees Care Contribution Team and Direct Payments.

Of the 250 complaints received 67 were by email, 6 were received via leaflet, 38 by letter, 1 via a survey, 40 by telephone and 98 via the Council's website.

The number of complaints received as a percentage of people receiving professional support or services within Adult Social Care as at 31 March 2023.

Team Group	Caseload
Area Teams	3.3%
Learning Disability Teams	2.1%
Mental Health Teams	2.3%
Other Teams	12.0%
Provider Services	11.8%

Nature of Complaints

(N.B Totals may vary as some complaints have various natures)

Across all the Service Areas the issues being complained about are:

	2022-23	2023-24
Adult Safeguarding	3	9
Breach of Confidentiality	3	2
Care Plan Assessment	-	6
Changes to call Times	1	-
Client autonomy/Choice	-	2
Continuing Health Care	-	3
Decision Making	3	35
Delay in Providing Service	6	2
Delay/Failure to Keep Informed	1	2
Direct Payments	8	5
Discrimination	-	1
DOLs	2	3
DPA Process	1	3
Financial	2	-
General lack of Communication	38	29
Health/Personal Care	1	-
Hospital Discharge	2	5
Inaccurate Information	8	3
Info from Provider	1	3
Lack of or delay in providing assessment	-	1
Lack of Service	3	3
Late Calls	1	1
Medication	1	1
Mental Capacity Assessment	-	1
Missed Calls	1	-
No return of telephone calls	12	4
Other	1	5
Outcome of Decision/Assessment	1	-
Practice non-compliant with leg/process	-	1
Process dec/Res Alloc	3	-
Provider Mgt Admin	1	-
Purchasing Services	1	-
Requests	-	6
Staff Attitude/Behaviour	7	62
Standard of Service Delivery	216	290
Support Planning	4	31
Unavailability of Staff to take Calls	1	-
Total	333	519

The majority of the nature of complaints is regarding the standard of service delivery.

Break down by Representation

	2022-23	2023-24
Brokerage Process	1	1
Continuing Health Care/ Vulnerable Adult	2	3
Contracted out (Day Care)	2	2
Decision Making	68	50
Duty, Care and Support Planning	37	43
Financial Assessment/Direct Payment	25	11
Finance	33	25
Externally Commissioned Home Care	29	11
Externally Commissioned Respite	0	2
Externally Commissioned Res/Nursing	11	15
Lack of Service	2	-
Supported Living	2	4
Other	4	1
Learning Disability	1	6
Mental Capacity Assessment	1	17
Process	5	1
Promoting Independence	3	29
Safeguarding Processes	10	29
Staff Attitude/Behaviour	11	62
Standard of Service	145	182
Supported Living	-	17
Young Adults Team / Adult Neurodiversity Team	-	12
Total	392	523

The Young Adult Team/ Neurodiversity Team fall under the All Age Disability Directorate within Worcestershire Children Services but fall under the Adult statutory complaint process. It should also be noted that although the nature of complaints may have more than one nature the complaint may not have been upheld.

Appendix 2: Outcomes of Formal Complaints

Low Risk Complaints	2022-23	% Share 22-23	2023-24	% Share 23-24
Upheld	19	19%	16	13%
Partially Upheld	24	24%	33	27%
Not Upheld	39	38%	45	37%
Re-directed	2	2%	2	2%
Discontinued (includes referred to Safeguarding)	17	17%	25	21%
Total	101	100%	121	100%

Low Risk complaints are relatively straight forward and relate to a single or a few issues that can be readily resolved. Some complaints were redirected, such as to other partner organisations or to the provider's own complaints process. Complaints can be discontinued due to consent not being received when required or no further contact received when further clarification is required.

Moderate Risk Complaints	2022-23	% Share 22-23	2023-24	% Share 23-24
Upheld	-	0%	6	44%
Partially Upheld	11	44%	2	14%
Not Upheld	7	28%	4	28%
Discontinued	5	20%	2	14%
Redirected	2	8%	-	0%
Total	25	100%	14	100%

Moderate Risk complaints are generally those that deal with a number of issues, or a number of teams and cross organisational issues. These are either dealt with by a relevant Social Care manager or Advanced Social Work Practitioner or the Investigating Officer for Adult Social Care.

High Risk Complaints

There were no High Risk complaint this year.

Appendix 3: Time Limit

There are no prescribed time limits for dealing with complaints, although the legislation suggests a maximum of 6 months. The expectation is that reasonable timescales are negotiated and agreed with the complainant. Adult Social Care have set default time limits of 35 working days for the completion of complaints, although it is possible that such timescales are extended for more complex complaints.

Overdue complaints are those not completed within the default timescale, or that have gone beyond the agreed timescale with the complainant.

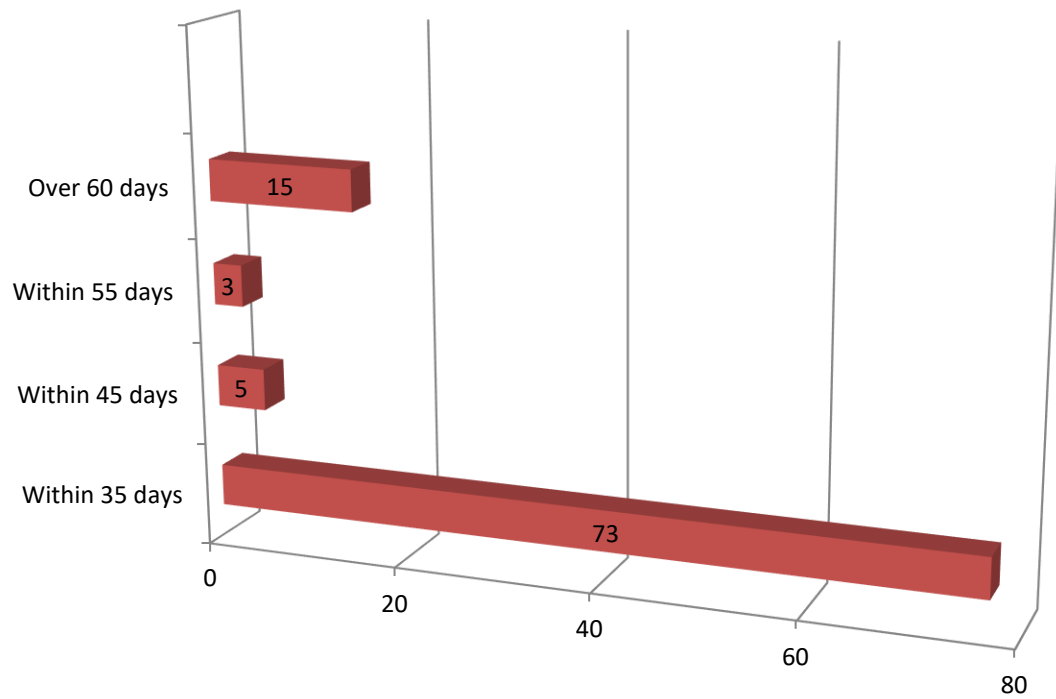
Low Risk Timescale

Of the Low-Risk complaints, the majority were responded to within timescale.

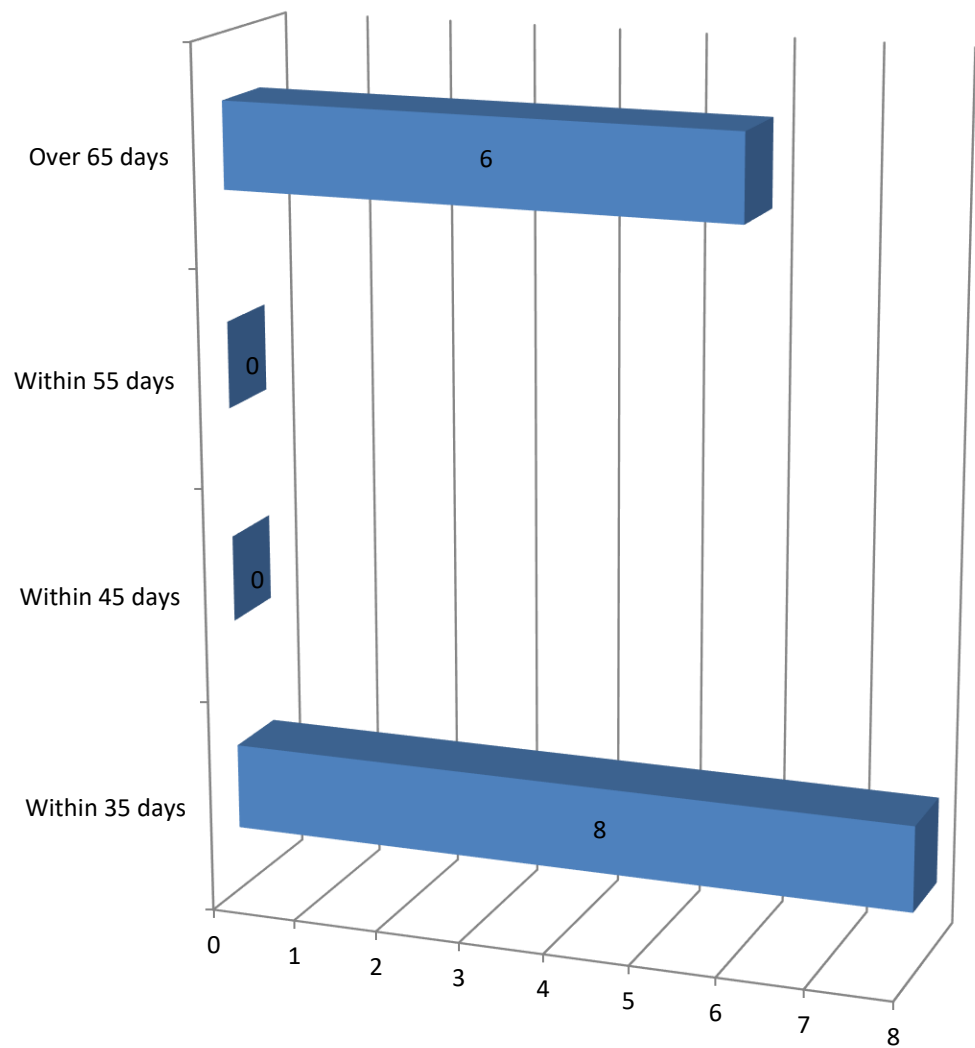
Moderate Risk Timescales

Of the Moderate Risk complaints responded to within the majority were responded to within timescales. As moderate risk complaints are generally more complex, it is not unusual for them to extend beyond the 35 working days, and complainants are generally kept updated as to progress. There were a few however, which were considerably overdue.

Low Risk Response Times 2023/24



Moderate Risk Response Times 2023/24



All overdue complaints are pursued with the relevant managers. The Consumer Relations Unit issues alerts as a complaint approaches timescale, and then thereafter, until it is responded to.

Appendix 4: Compliments and Comments

The process also reports on Comments and Compliments received by Adult Social Care.

Comments

There were 27 comments received this year. 8 were received via email and 19 via the Council's website.

Service Area about which compliments were received.

	2022/23	2023/24
Central Services	10	2
Continuing Health Care /Vulnerable Adults	-	3
Commissioning	1	1
Mental Health & Learning Disabilities	40	24
Area Teams	97	52
Provider Services Internal & External	63	167
Quality, Safeguarding, DOLS & Prisons		1
Urgent Care	21	6
Total	237	256

Of the 256 compliments received, 164 were for internal provider services.

The majority of compliments are regarding exemplary assistance from staff, and the standard of service provided. There has been an increase of 8% from 2022/23.

Compliments are logged and the members of staff involved congratulated on their good practice. The Director of the Service is also advised. Statistics regarding compliments are also supplied in a quarterly report to DMT and SMT, thus ensuring that the service is not only learning from complaints, but also learning from compliments.

A compliment logged under this process must be more than a thank you and should demonstrate exceptional service. Some compliments received therefore, although always shared with the individual worker are not logged under this process.

Examples of compliments received.

From a service user about a Social Worker:

"Thank you for the wonderful care you have given to my mom."

From a relative of a service user about a Social Worker:

“Thank you and all your team in Worcester. You are so kind. I couldn't be happier with my new home. I am very lucky, it will take time to adjust I know but I have you behind me to advise me. Thank you all once again..”

“

From a service user about a Social Worker:

“Thanks so much for your work with me, you have been an enormous support to me and you have had a great understanding of my situation. You are always happy to help and explain and guide me when needed.”

From a relative of a service user about a Social Worker:

“You have always gone above and beyond to make sure everything was done that could possibly be done. You were always there for me and never made me feel as if I was a nuisance.”

From a service user about a Social Worker:

Thank you' for everything you have done for me. You have been compassionate in my hour of need.”

From a relative of a service user about a Social Worker:

“Thank you for the prompt care and attention you have shown us.”