



# Telford & Wrekin Council Adult Statutory Complaints Report

**Improving our Customer Experience**  
Annual Report 2020/21

Protect  
Care and Invest  
to create a  
better borough



Telford & Wrekin  
COUNCIL

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# Purpose of the report

To report statistical information to Members and Officers detailing Telford and Wrekin Council's Adult Social Care complaints and compliments activities from 1 April 2020 to 31 March 2021

To provide an open resource to anyone who wishes to scrutinise local services

To outline the key developments and planned improvements to the complaints processes operated by the Council

To consider how the learning from complaints and compliments can be used to improve the overall customer experience

## Introduction

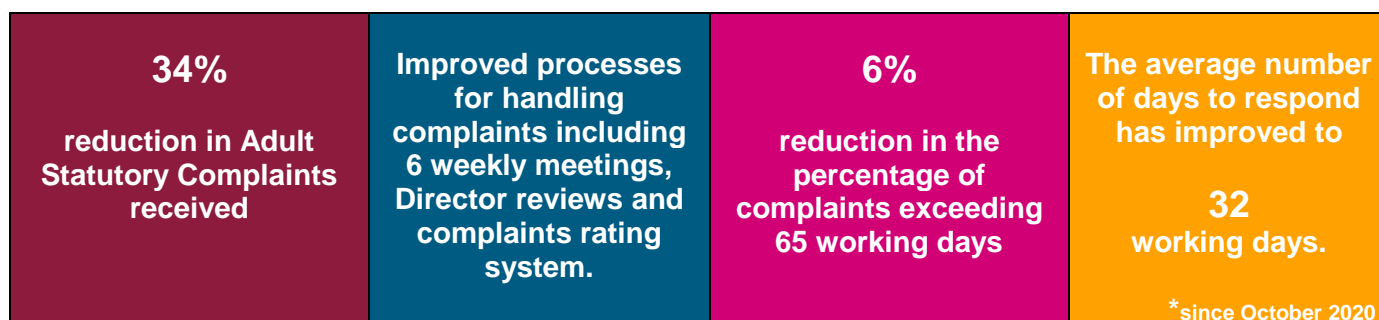
This is the Complaints Manager's Annual Report for Adult Social Care. It is a statutory requirement to prepare an Annual Report each year concerning the complaints activity within Adult Social Care that can be made available to anyone on request. This must:

1. Specify the number of complaints received
2. Specify the number of complaints upheld
3. Specify the number of complaints that we have been informed have been referred to the Local Government & Social Care Ombudsman
4. Summarise:
  - a. The subject matter of the complaints received
  - b. Any matters of general importance arising out of these complaints, or the way in which these complaints were handled
  - c. Any matter where action has been, or is to be, taken to improve services as a consequence of these complaints

This report provides information about complaints made between 1 April 2020 and 31 March 2021 under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

### Highlights for 2020/21

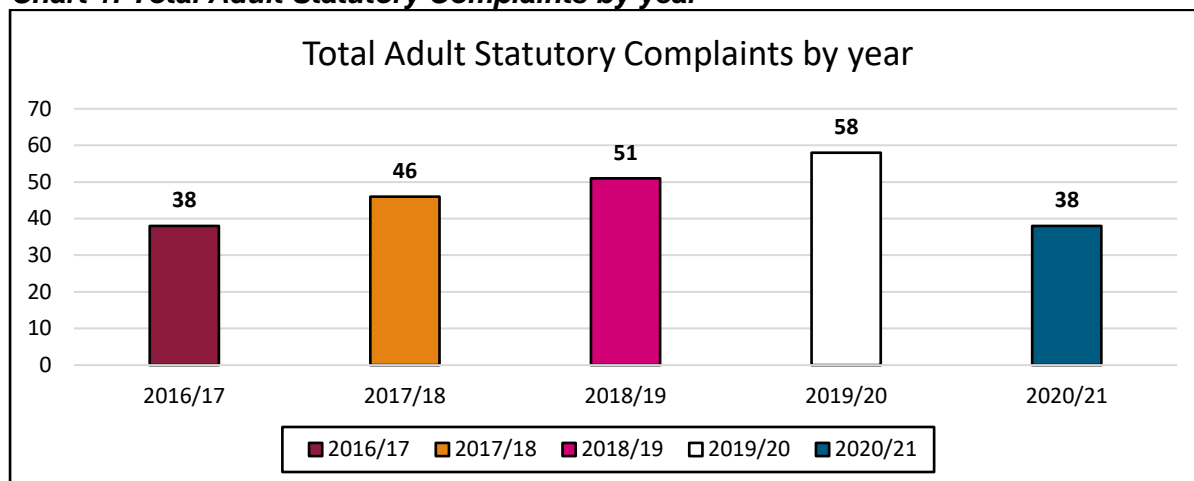
In 2020/21, there were 5,446 adults supported by the Council. Out of those, 2,360 received a Long Term service (a service that was expected to continue and not be time-limited or low level). There were 7,094 new contacts in 2020/21 for 4,362 different people. This includes 1,614 contacts for people being discharged from hospital. As well as this, there were a further 143 reviews for people leaving hospital who were already being supported by the Council before going into hospital, and were then discharged back to council services.



# Adult Statutory Complaints received in 2020/21

We received 38 Adult Statutory Complaints between 1 April 2020 and 31 March 2021. The chart below compares the number of statutory complaints we've received over the past five years.

**Chart 1: Total Adult Statutory Complaints by year**



There has been a significant decrease in the number of complaints received in 2020/21.

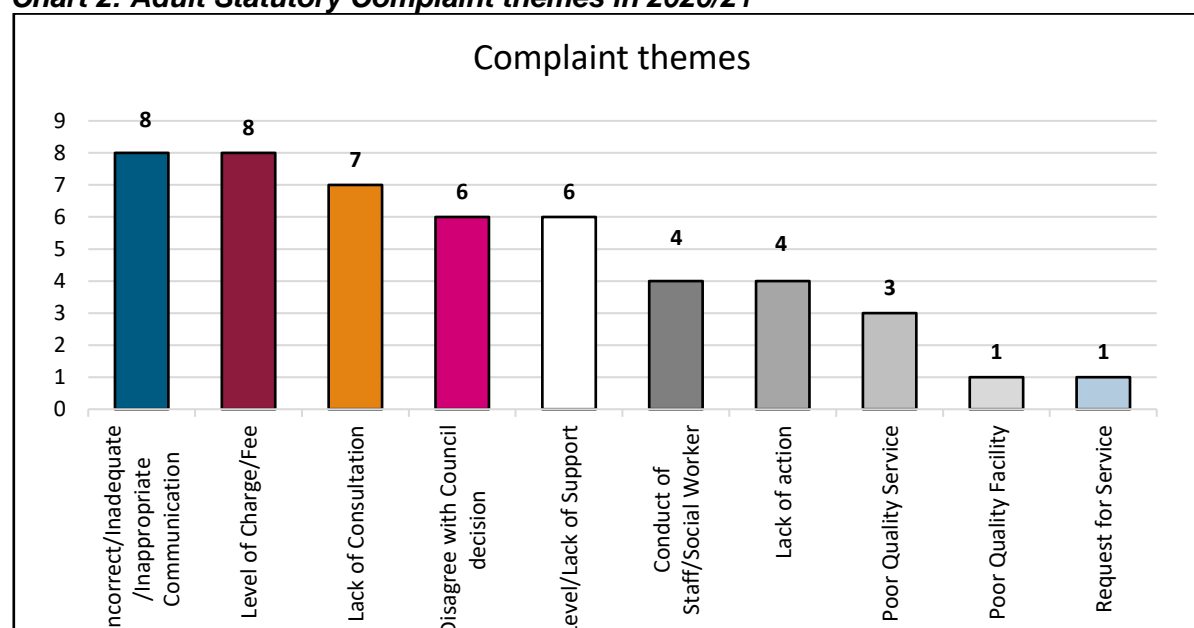
## Customer access channels and digital contact

Complaint channel	Number of complaints
Email / webform	22
Telephone	10
Letter	6
<b>Total</b>	<b>38</b>

In 2020/21, 58% of Adult Statutory Complaints were received via a digital access channel, including via our online complaints webform and by email.

## Complaint themes

**Chart 2: Adult Statutory Complaint themes in 2020/21**

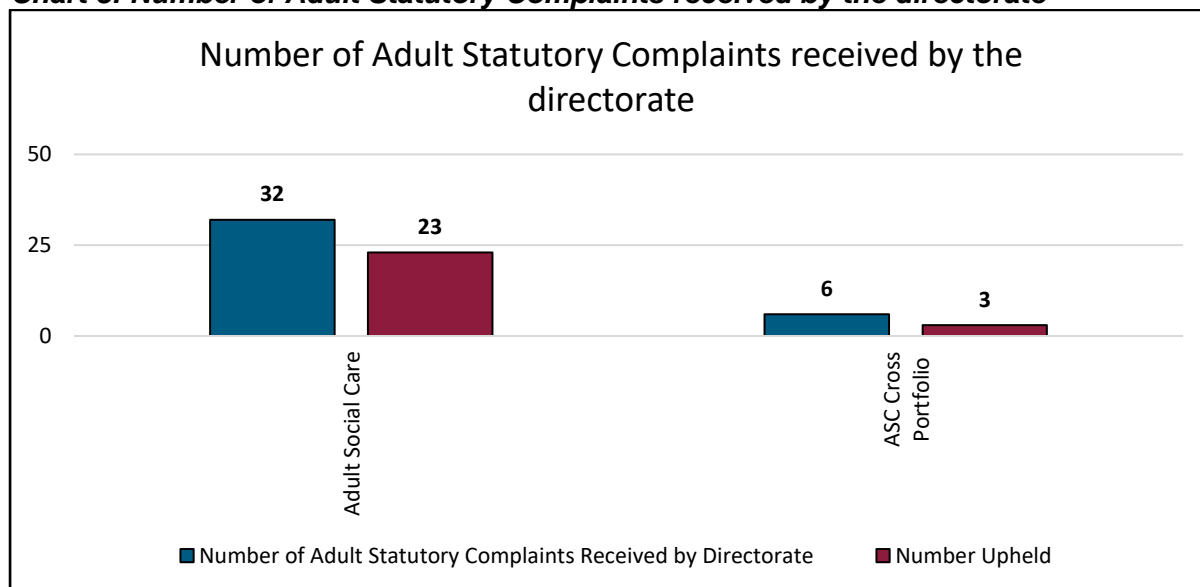


Most of these themes are self-explanatory and give a clear idea about the aspects of our work that received complaints.

### Complaints received by the directorate

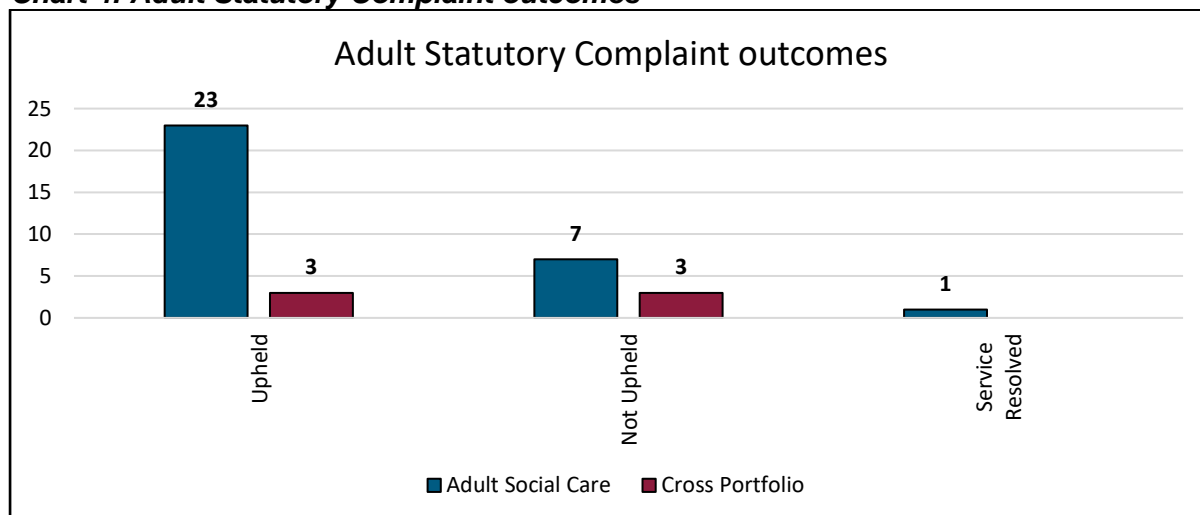
Of the 38 complaints received, all have been responded to. Below is a chart of the statutory complaints received by each portfolio against the number upheld. Some of the complaints were cross-cutting and it was felt appropriate for these to follow the Adult Statutory Complaints procedure. One complaint required a multi-agency investigation with the Clinical Commissioning Group (CCG).

**Chart 3: Number of Adult Statutory Complaints received by the directorate**



The chart below shows the outcomes of all of these complaints.

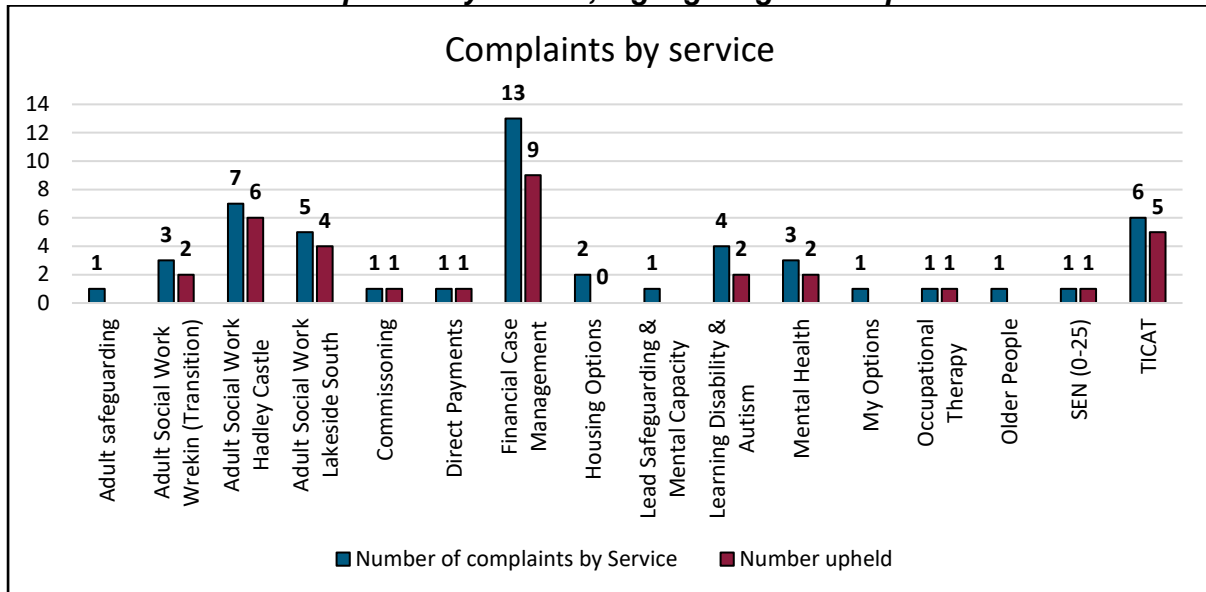
**Chart 4: Adult Statutory Complaint outcomes**



Of the 38 complaints, 69% (26) were upheld, 34% (11) were not upheld and 3% (1) were dealt with via another method.

The chart below includes the number of complaints received by each service. Please note that the number of complaints detailed below is higher than the overall total because certain complaints had multiple issues raised against different teams. This chart seeks to show all the services against which issues were raised.

**Chart 5: Number of complaints by service, highlighting those upheld**



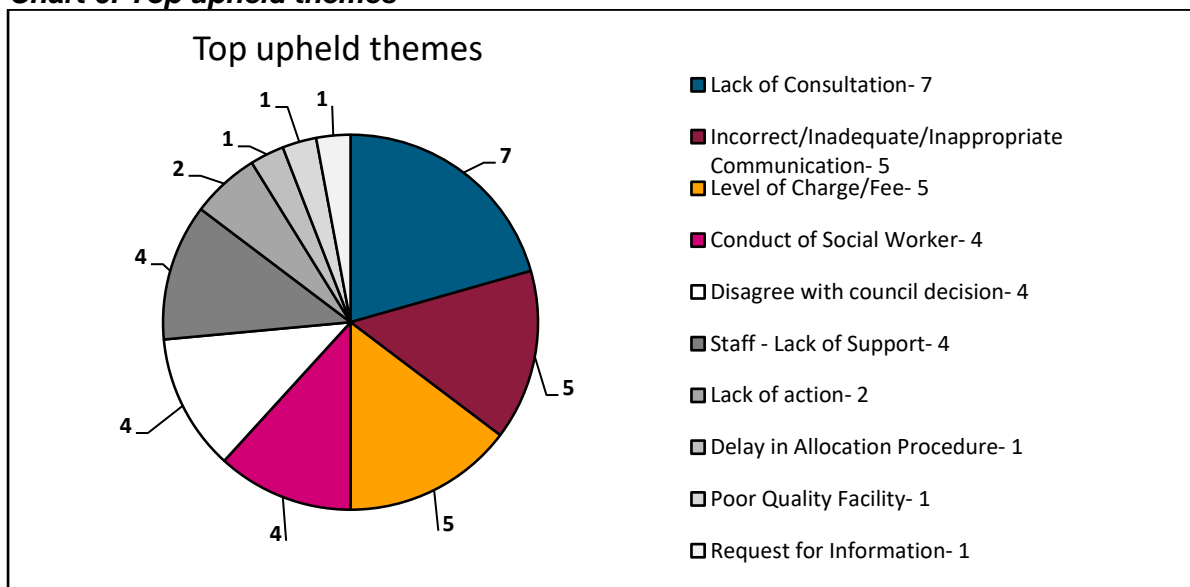
There were 15 complaints that included issues regarding the three social work locality teams, and 12 of these were upheld (80%). There were 13 complaints that included issues raised regarding the Financial Case Management team, and nine of these were upheld (69%). These complaints were due to various issues, including delays in assessment, invoicing, errors in calculations, delays in responding and the provision of funding.

Six complaints involved issues related to Telford Integrated Community Assessment Team (TICAT), five of which were upheld (83%). Issues included lack of consultation, inadequate communication and the poor quality of a nursing home.

## Themes of upheld complaints

Of the 26 upheld complaints, the top themes raised were as detailed in the chart below.

**Chart 6: Top upheld themes**



The above categories are self-explanatory and give a clear indication of the overall areas of our service or aspects of our work that had the most upheld complaints. This indicates that 27% of upheld complaints related to a lack of consultation. These concerns were linked to a lack of notification of care charges, care required, care planning and a lack of respite.

13% of the upheld complaints related to communication, including not keeping customers updated and customers not being able to make contact with social workers.

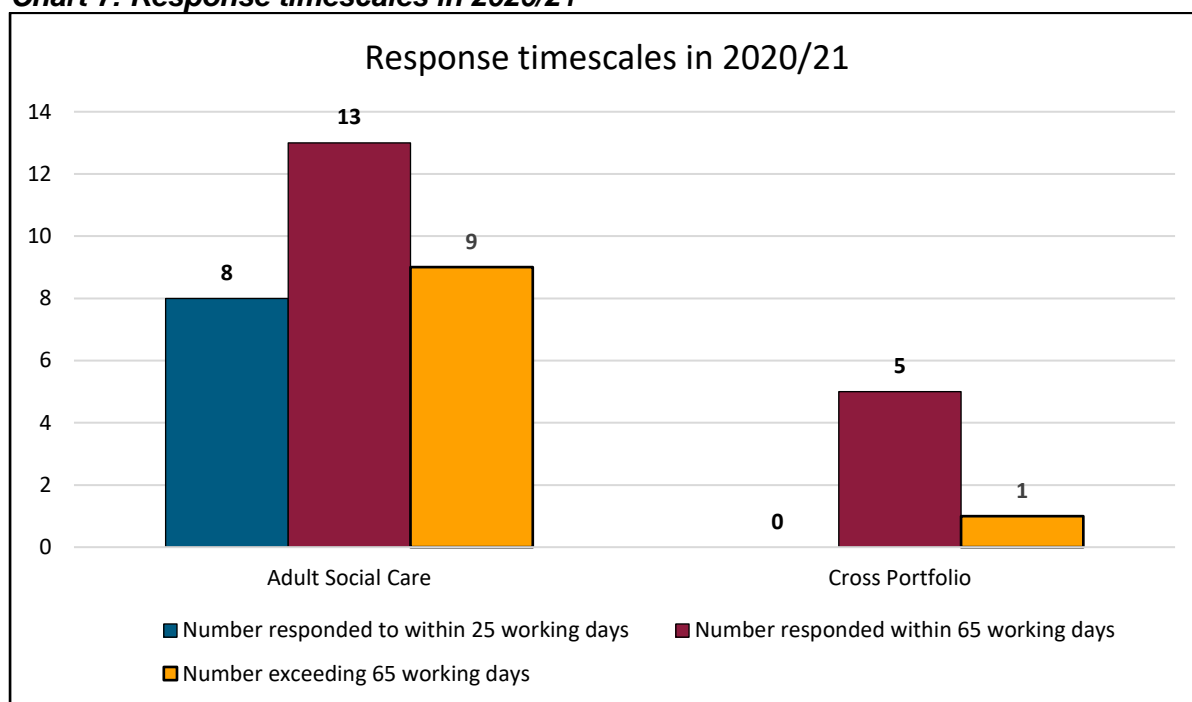
13% of the upheld complaints related to the level of fees and charges associated with Financial Case Management invoicing, and errors in calculations.

Individual management reports are shared with service managers on a regular basis, which allows for greater analysis and interpretation of the data.

## Timescales for responses

In 2020/21, the average number of working days to respond to an Adult Statutory Complaint across all portfolios was 53. This is an increase in the average response time from 51 days in 2019/20 but still an improvement on the 56 days achieved in 2018/19. For a breakdown, see the chart below.

**Chart 7: Response timescales in 2020/21**



Of the 38 complaints received, all have been responded to. Eight of the 38 responses were sent within the initial 25 working day timescale, 20 were sent within the extended timescale of 65 working days and ten exceeded the 65 working day timescale. This represents 26% of responses and indicates an improvement on the 32% achieved in 2019/20.

Two complaints (5%) received in 2020/21 exceeded the six month timescale. Both cases were formally reviewed and escalated to the relevant Service Delivery Manager and Director. Whilst the number of days to respond to Adult Statutory Complaints has increased and some complaints have exceeded 6 months (5%), the Council is pleased that the average number of days to respond to complaints has remained below our local target of 65 working days.

**Please note:** As an authority, we should be ensuring that we meet the statutory requirements and timescales set out in our policy. However, it must be noted that 2020 was an unprecedented year, during which the Council had, and continues today, to respond to the COVID-19 pandemic. This has had an impact on our ability to respond to complaints within timescales, as officers have sometimes been assigned to alternative roles and duties. The pandemic also presented challenges which completing investigations with other organisations such as the CCG. During this time, complainants were constantly updated regarding the progress of their complaints and when a response would be available.

Since November 2020 new procedures have been put in place to improve timescales for Adult Statutory Complaints. Complaints are now rated based on timescales and copied to the Director, the Director is also copied into progress chases. 6 weekly meetings are now also taking place with Directors to review all outstanding cases and learning.

Timescales have improved significantly since 1 October 2020, and from this date, the average number of working days to respond reduced to 32 for the remainder of the year.

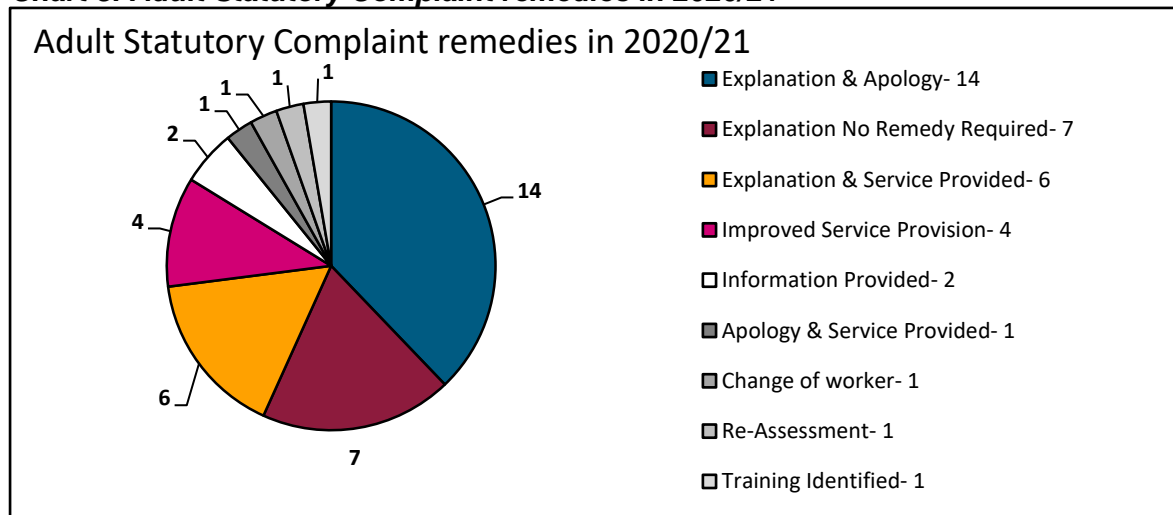
## Learning from Adult Statutory Complaints

Complaints are a valuable source of information that can help to identify recurring or underlying problems and potential improvements. We know that numbers alone do not tell us everything about attitudes towards complaints and how they are responded to locally. Arguably, it is of greater importance to understand the impact that complaints have had on people and to learn the lessons from them to so as to improve the experience of others.

Lessons can usually be learned from complaints that were upheld, but also in some instances where no fault was found but the Council recognises that improvements to services can still be made.

Occasionally, during the course of an investigation, issues will be identified that need to be addressed over and above the original complaint. The Customer Relationship team will then work with services to ensure that they see the “bigger picture” so that that residents receive the best possible service from the Council. The Customer Relationship team will continue to provide daily advice and support to managers around complaints management and resolution, and with responding to representations. Learning is also shared and progressed as part of the Adult Social Care Quality Assurance Framework.

**Chart 8: Adult Statutory Complaint remedies in 2020/21**





Of the remedies recorded against Adult Statutory Complaints in 2020/21:

- 37% were to provide an explanation and apology
- 16% were to provide an explanation and no remedy was required
- 16% were to improve service provision

### **Positive improvements**

Below are examples of positive changes within Adult Social Care, some of which have resulted from learning from complaints and customer feedback:

- The Financial Case Management team has been moved into Adult Social Care, including improved processes and timescales for financial assessments
- A reduction in transferals between teams
- Dedicated brokers for care and support
- There is now a specialist commissioning framework for providers to autistic people, Mental Health services and Learning Disability services
- Recognised the positive impact of the Specialist Autism and Learning Disability team on practice
- There is now a named worker who supports the individual, family/ carer throughout an intervention.
- Hospital discharges are now supported at weekends
- Family Connect requests for unscheduled reviews are more robust
- A Specialist Housing Strategy for accessible housing for people with disabilities has been developed
- Family Connect are now ensuring that callers are updating their requests for support when there is a change in circumstances
- The development of accessible information for Mental Health services
- Direct Payment Officers have been appointed

Learning was also shared with our Making It Real Board in October 2020 and is a regular agenda item for them, as co-production has a key contribution to make to the continual development of Adult Social Care delivery.

During 2021/22, we will continue to learn from complaints to ensure that continuous service improvement takes place.

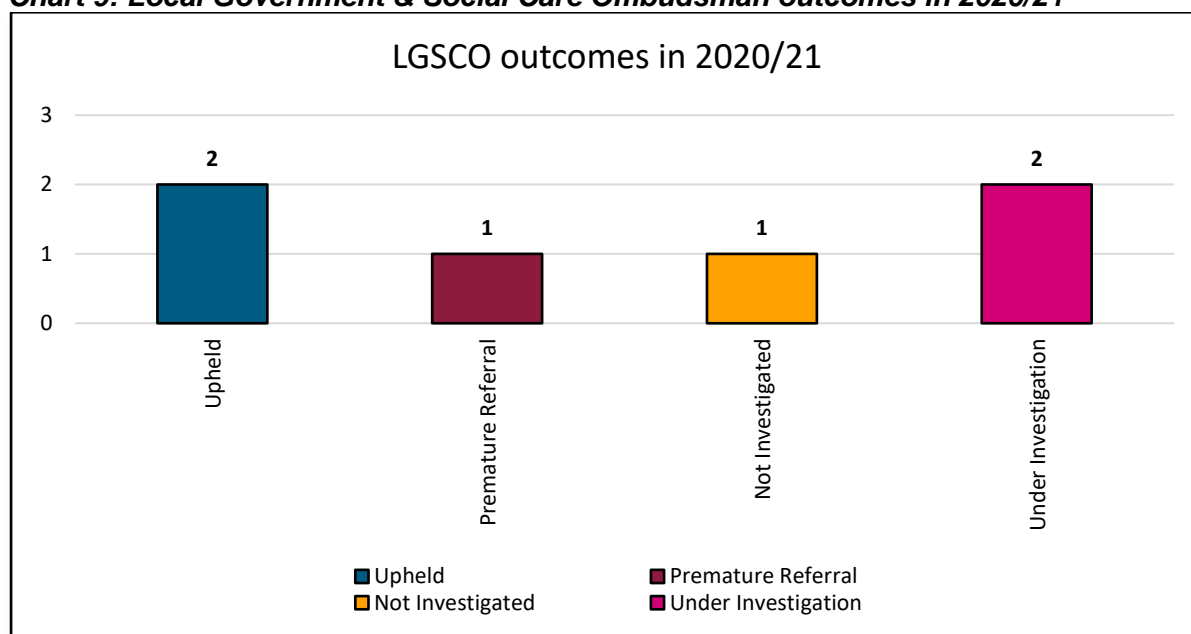
# Complaints made to the Local Government & Social Care Ombudsman

The Local Government & Social Care Ombudsman (LGSCO) has the authority to investigate complaints when it appears that our own process has not resolved them. Complainants can refer their complaint to the LGSCO at any time, although the Ombudsman will generally refer them back to us if they have not been through our process first. In exceptional circumstances, the Ombudsman will look at things earlier; this usually being dependant on the vulnerability of the person concerned.

Three Adult Statutory Complaint cases remained outstanding with the LGSCO on 31 March 2020. Decisions on these cases were received in 2020/21.

Three complaints were escalated to the LGSCO in 2020/21. Two were still under investigation on 31 March 2021.

**Chart 9: Local Government & Social Care Ombudsman outcomes in 2020/21**



The Council fully complied with the recommendations made by the LGSCO, and learning was taken forward to improve practices in relation to the complaint process, policy documentation, delays and communication.

## Concluding comments

This Annual Report shows that the number of Adult Statutory Complaints we received in 2020/21 decreased from the previous year. Our services continue to result in a low number of complaints at a time when there have been major reductions in government funding for local authority service provision. Despite this financial backdrop, the Council continues to manage complaints well and is committed to putting right anything that has gone wrong.

Response times have inevitably been affected by the pandemic in 2020/21, when many councils moved staff to other duties in order to respond to it. Whilst timescales did increase during the period, despite this backdrop, there has not been a significant impact - with complaints only taking, on average, two days longer to respond to.

The number of statutory complaints upheld was high in comparison to the total number received (at 68.57%). However, the Council acknowledges that the services it provides must continually evolve by us acknowledging and learning from our customers' experiences of them and actively identifying improvements.

### **Complaint handling recommendations**

- When completing a complaint investigation and response, services should assess whether any element of the customer journey could have been improved, even if this does not form part of the complaint. i.e. Could improved communication have prevented the customer's concerns being escalated to a formal complaint?
- Services should continue to respond in accordance with both statutory policy and our local policy so that customers get a resolution as swiftly as possible and are contacted at an early stage to discuss their concerns. When an amended response date has been provided, this must be honoured and not further extended.
- Services should continue to ensure that they are prioritising complaints and responding within the stated timescales. If there are unforeseen delays, the Customer Relationship team should be notified immediately so that we can notify the customer and advise them of the date they should expect their response and the reason for the delay.
- The legislation allows for a complaint not to be registered as such if it is resolved within 24 hours of receipt. This should be used as an opportunity to resolve the concerns of customers as swiftly as possible and involve them in the resolution of the matter – so as to reduce the number of complaints needing to be filed going forward.
- When responding to a complaint, all of its points should be addressed so that the customer receives a full response and, as a council, we get it right first time. Resources are available to assist officers when investigating and responding to complaints. The Customer Relationship team quality checks responses, and often makes comments and suggested amendments. The role of the Customer Relationship team is to ensure that complaints progress and complaint standards are adhered to. This is reflected in the advice they provide.
- The Customer Relationship team will also continue to escalate complaints that have exceeded timescales to their appropriate Director.
- Meetings every six weeks with Directors will continue to ensure that complaints are being handled appropriately and learning identified.
- The list of complaints outstanding which can be accessed by Directors and their Service Delivery Managers, should continue - as this is having a positive impact on timescales.
- The Council's Adult Statutory Complaint Policy has been reviewed and will be approved in 2021/22. The Customer Relationship team will continue to work with senior leadership teams to effectively utilise complaints intelligence to support positive improvements in service delivery.

# Oversight and support provided by the Customer Relationship team

The Customer Relationship team continues to support Service Areas to both manage and learn from complaints. The key services they offer are:

1. Complaints advice and support
2. Quality assurance of statutory complaint responses
3. Act as a critical friend to challenge service practice
4. Support with persistent and unreasonable complainants
5. Assistance in drafting comprehensive responses to complaint investigations
6. Continue to escalate overdue complaints to Directors

## Customer Relationship team priorities for 2021/22

During 2020/21, the Customer Relationship team will focus on a number of key priorities:

- Obtaining approval for the updated Adult Statutory Complaint Policy
- Helping to improve the Council's record of timely complaint responses
- Continuing to improve and add to the resources available to managers when responding to complaints and other correspondence, while encouraging self-help
- Providing complaint data to senior management on a monthly basis, as part of corporate monitoring
- Working to maintain low levels of maladministration findings by the Local Government & Social Care Ombudsman
- Continuing to provide a quarterly and monthly reporting dashboard of performance data to senior management so that improvement can be driven forward continuously during the year

# Appendix

## Legislation

Section 5 of the Regulations (2009) requires local authorities to consider complaints made by anyone who:

- Is receiving, or has received, services from the Council
- Is affected, or is likely to be affected, by the action, omission or decision of the Council

A person is eligible to make a complaint where the local authority has a power or duty to provide, or to secure the provision of, a service for someone.

The 2009 regulations set a benchmark for all complaints to be investigated within six months. If the investigation is going to exceed this timescale, the local authority should write to the complainant to advise them of this and explain the reasons why.

The Corporate complaints process is used for anyone else who makes a complaint.

## What is a complaint?

A complaint is generally defined as an expression of dissatisfaction or disquiet about actions, decisions or apparent failings of a local authority's Adult Social Care provision that requires a response. We will always try to resolve problems or concerns before they escalate into complaints. If it is possible to resolve a matter immediately (or within 24 hours), there may be no need to engage in the formal complaints process.

The purpose of a complaints process is to resolve concerns raised by service users and their representatives, to deliver outcomes that are appropriate and proportionate to the seriousness of the issues, and to ensure that changes are made in response to any failings that are identified.

To achieve this, the approach to handling complaints must incorporate the following elements:

- Engagement with the complainant or representative throughout the process
- Agreement with them about how the complaint will be handled
- A planned, risk-based and transparent approach
- Commitment to prompt and focussed action to achieve the desired outcome
- Commitment to improvement and the incorporation of learning from all complaints

A complaint must be made no later than 12 months after:

- The date on which the matter that is the subject of the complaint occurred, or
- If later, the date on which the matter that is the subject of the complaint came to the notice of the complainant

The time limit will not apply if the Complaints Manager is satisfied that:

- The complainant had good reasons for not making the complaint within the time limit, and
- Notwithstanding the delay, it is possible to investigate the complaint effectively and fairly

## Who can make a complaint?

A complaint may be made by a relative, carer or someone who is acting on behalf of a person who has died, or is unable to make the complaint themselves because of:

- Physical incapacity, or
- Lack of capacity within the meaning of the Mental Capacity Act 2005, or
- Has requested that the representative act on their behalf

Complaints may be received through a variety of media (phone, letter, email, feedback form, personal visit, etc.) and at various points within the Council (to staff members, via respective web addresses, direct to the Customer Relationship team, etc.).

## The Adult Statutory Complaints procedure of Telford and Wrekin Council

When a complaint is first received, the Customer Relationship team will carry out an initial assessment of it to determine its issues, severity and potential impact, and to identify any other organisations that maybe involved.

When someone contacts the Customer Relationship team to make a complaint, they will acknowledge it within three working days. They will also offer a meeting to the complainant to discuss the matter and establish their desired outcome. Agreement is sought on the following points:

- The detailed account of the complaint
- The complainant's view of the impact it has had on them
- Specific reference to any aspect that requires immediate action within the adult safeguarding/protection procedures
- Details of the outcome(s) that will resolve the matter from the complainant's perspective
- Whether the subject of the complaint could relate, entirely or partly, to another body (e.g. an NHS body or an independent care provider) and therefore a joint approach may be needed
- How the complaint will be investigated and by whom
- How long it should reasonably take to investigate the matter and provide the complainant with the Council's formal response
- How often, and by what means, the complainant will be updated on the progress of the investigation
- Whether an advocacy, translation or other support service is required
- Whether the involvement of an impartial mediator might contribute to a satisfactory resolution of the complaint

We aim to respond to all Adult Statutory Complaints within 25 working days. However, because of the nature and complexity of some issues, it may take longer, and complainants will be informed if this is the case. Timescales may be extended to a maximum of 65 working days in such cases.

When the investigation is complete, the appropriate manager will write a letter explaining what they have found and what they will do to put things right.

If the complainant is not happy with the final decision or how we have dealt with their complaint, they can refer the matter to the Local Government & Social Care Ombudsman (LGSCO).