



Telford & Wrekin
Co-operative Council

Protect, care and invest
to create a better borough

Adult Statutory Complaints report

Improving our Customer Experience

Annual Report 2022/23

Contents

| | |
|---|----|
| Purpose of the report..... | 3 |
| Introduction..... | 3 |
| Adult Statutory Complaints received in 2022/23..... | 4 |
| Themes of upheld complaints..... | 8 |
| Timescales for responses..... | 9 |
| Learning and outcomes from Adult Statutory Complaints..... | 10 |
| Complaints to the Local Government & Social Care Ombudsman..... | 13 |
| Concluding comments..... | 14 |
| Oversight and Support..... | 16 |
| Customer Relationship team priorities for 2023/24..... | 16 |
| Appendix..... | 17 |

Purpose of the Report

- To report statistical information to Members and Officers detailing Telford and Wrekin Council's Adult Social Care complaints from 1 April 2022 to 31 March 2023.
- 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 can be used to improve the overall customer experience.

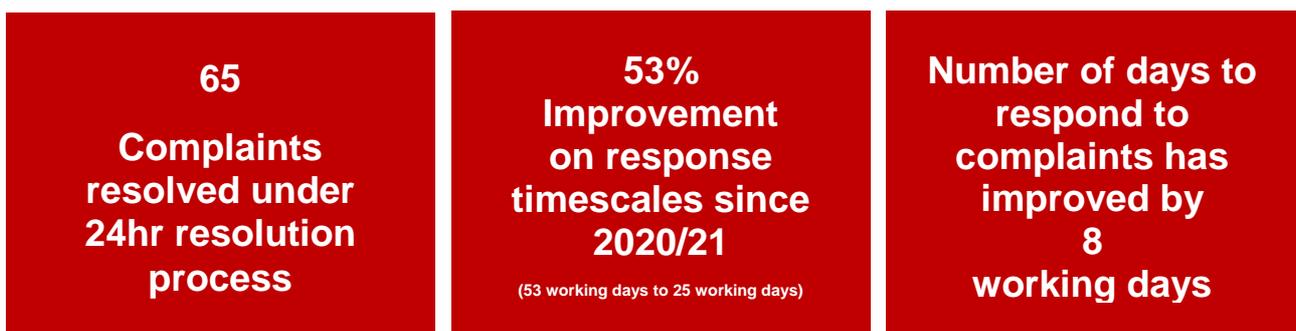
Introduction

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 2022 and 31 March 2023 under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

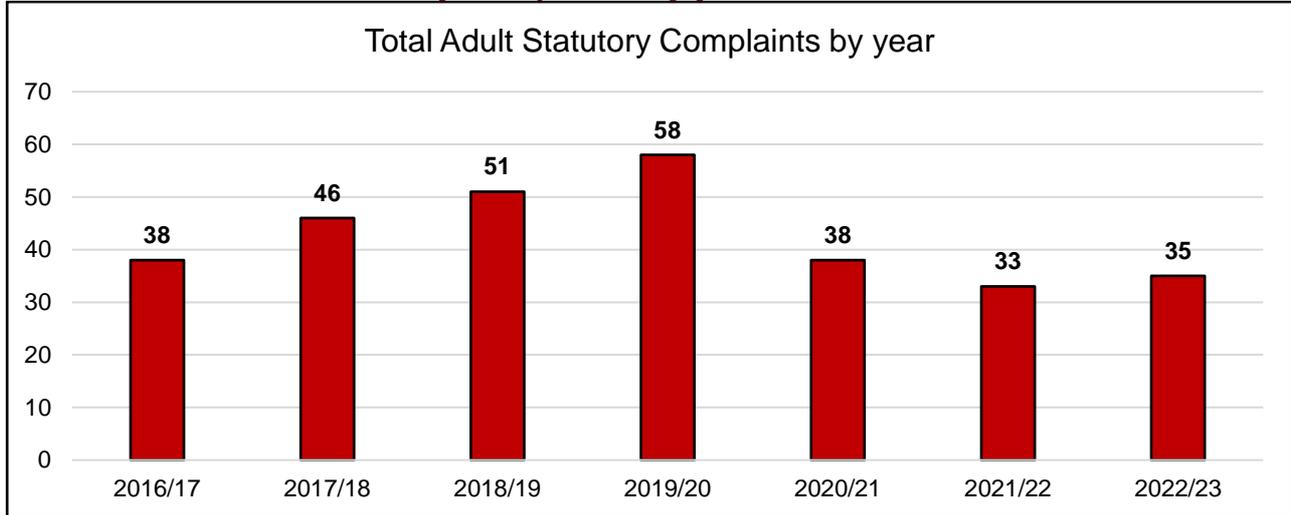
Highlights 2022/23



Adult Statutory Complaints 2022/23

We received 35 Adult Statutory Complaints between 1 April 2022 and 31 March 2023. The chart below compares the number of statutory complaints we've received over the past seven years.

Chart 1: Total Adult Statutory Complaints by year



There has been a marginal increase in the number of complaints received in 2022/23.

There were also 65 further complaints that were resolved under the 24 hour resolution process and therefore were not registered under the statutory procedure in accordance with legislation.

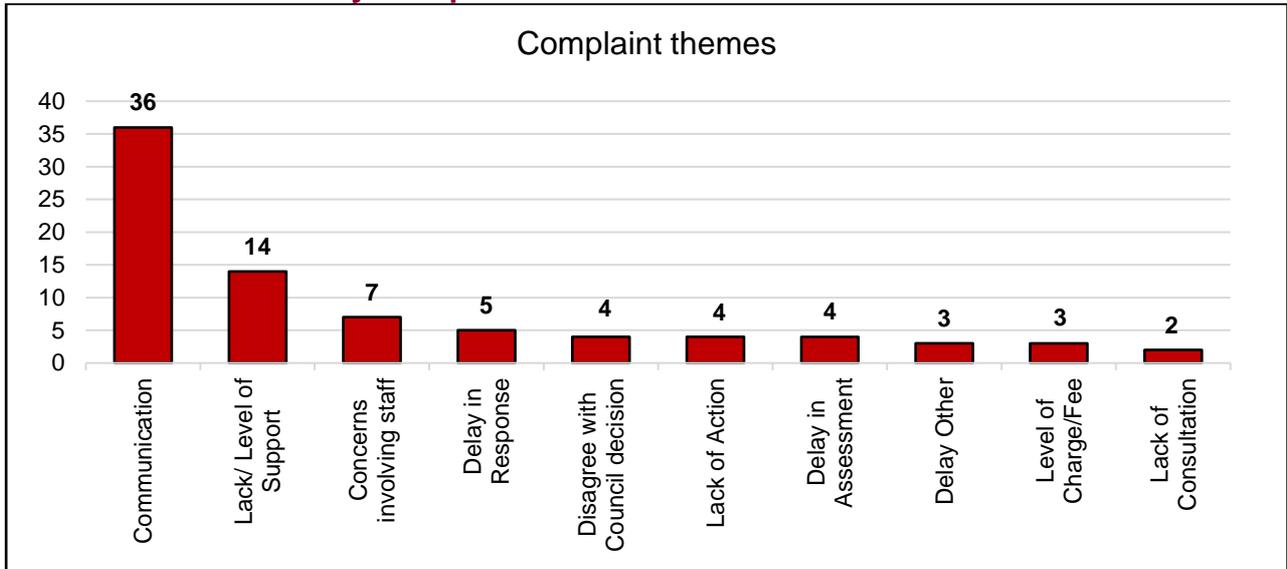
Customer Access Channels and Digital Contact

| Complainant channel | Number of complaints |
|---------------------|----------------------|
| Email | 13 |
| Web form | 3 |
| Telephone | 16 |
| Letter | 1 |
| In person | 2 |
| Total | 35 |

In 2022/23, 46% of Adult Statutory Complaints were received via a digital access channel, including via our online complaints web form and by email directly to the Customer Relationship team. This is a marked decrease on the 70% received via these channels in 2021/22. The Institute of Customer Services noted that customer behaviours were changing since the pandemic and that customers were more like to want to speak to someone regarding issues around vulnerabilities and not this is not unexpected for Adult services users. Telford and Wrekin Council continue to ensure that customers can raise concerns via a number of different access channels.

Complaint Themes

Chart 2: Adult Statutory Complaint themes in 2022/23



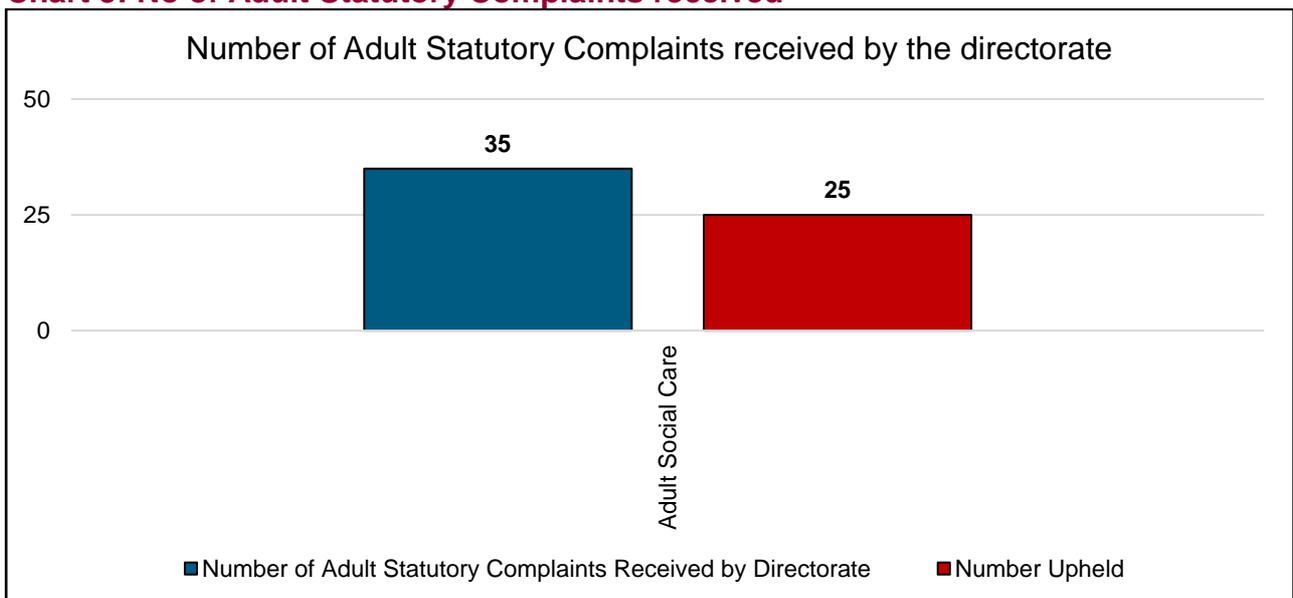
Most of the themes are self-explanatory and give a clear idea about the aspects of our work that received complaints.

Complaints received

Of the 35 complaints received, 33 have been responded to in year. Below is a chart of the statutory complaints received by each portfolio against the number upheld.

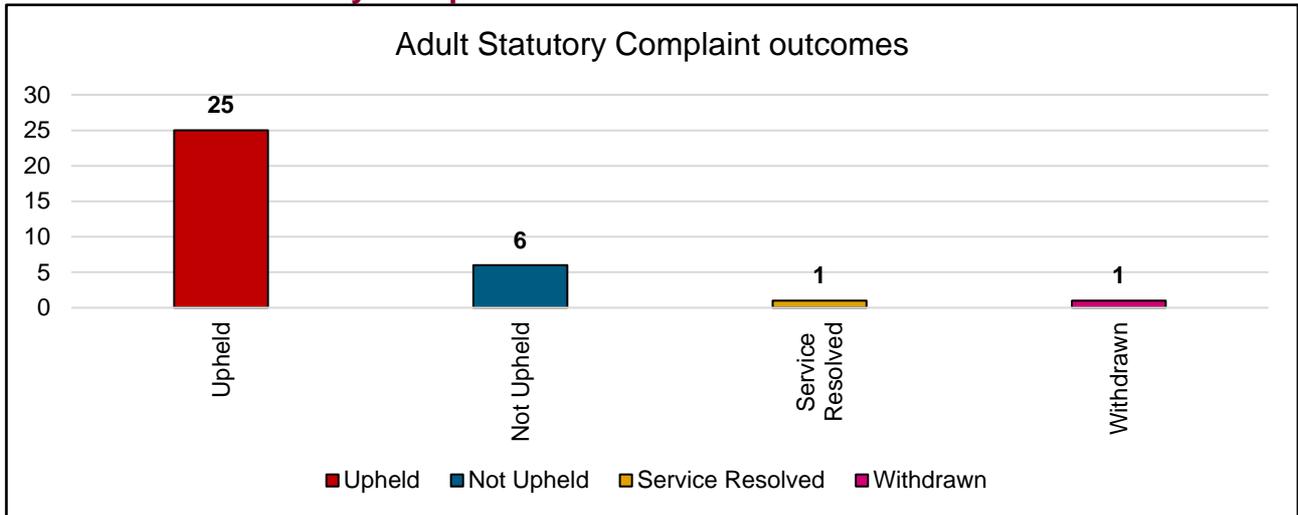
The chart below details the statutory complaints received by Adult Social Care against the number subsequently upheld.

Chart 3: No of Adult Statutory Complaints received



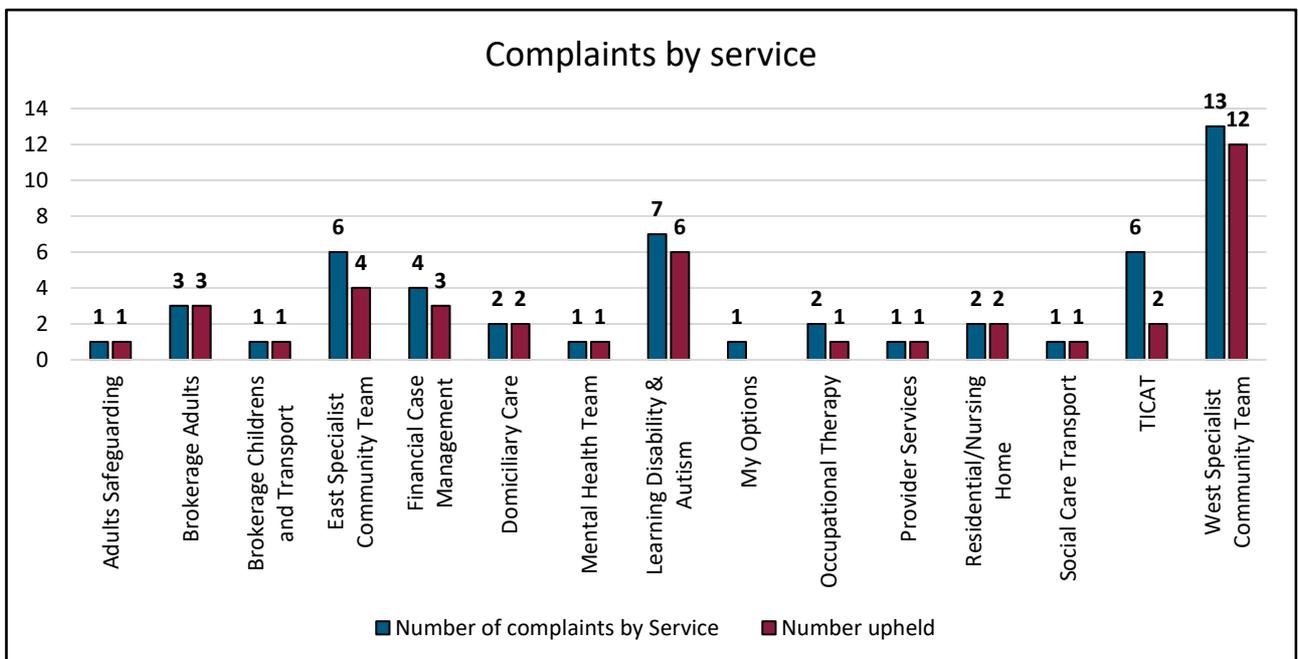
Of the 33 complaints completed, 76% (25) were upheld, 18% (6) were not upheld and 6% (2) were dealt with via another method.

Chart 4: Adult Statutory Complaint outcomes



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 with different teams. This chart seeks to show all the services against which issues were raised, meaning that an individual complaint may be counted multiple times within it.

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



There were 19 complaints that included issues raised regarding the Community Social Work teams, and 16 of these were upheld (84%). Issues raised included lack of

communication from Social Worker or team, issues involving staff, administration error, lack of support, lack of action and delay in providing copies of support plans.

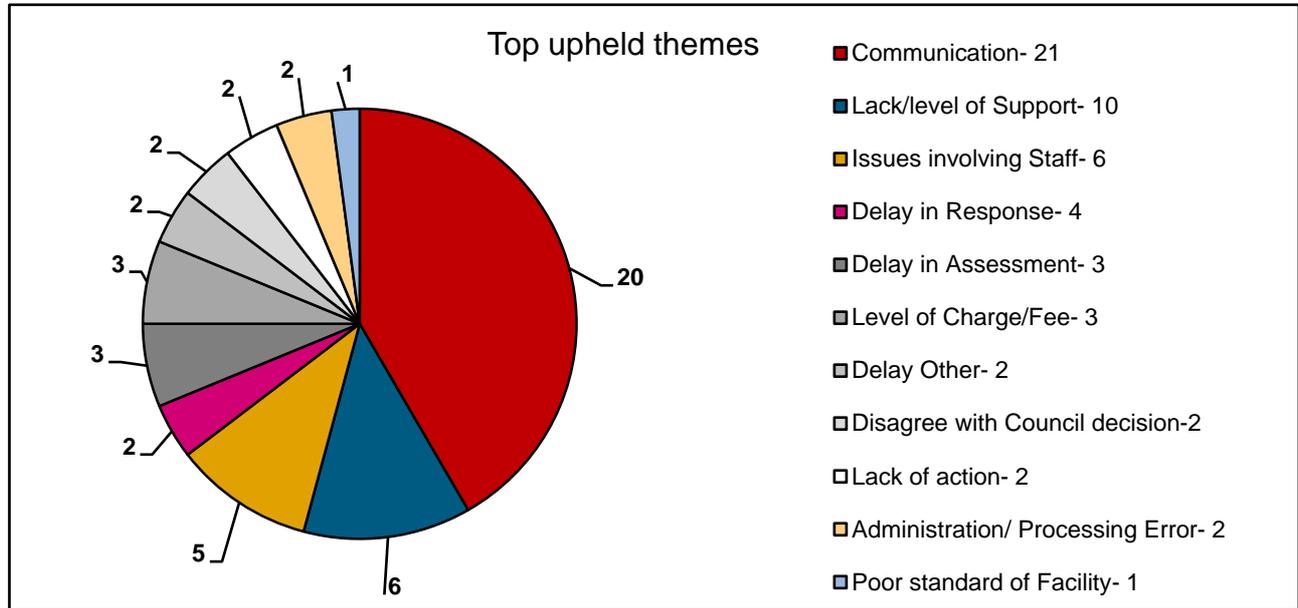
There were 7 complaints received that had an element related to the Learning Disability & Autism Service, six of which were upheld (86%). Themes included lack of communication and support, lack of action, delay and administration error including omitting Disability Related Expenditure from a care act review which resulted in an incorrect financial assessment.

There were 6 complaints which involved issues related to Telford Integrated Community Assessment Team (TICAT), two of which were upheld (33%). Issues included inadequate communication, advice and support.

Themes of upheld complaints

Of the 25 upheld complaints, the top themes raised were as detailed in the chart below.

Chart 6: 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 64% of upheld complaints related to either communication. This covers a variety of concerns including a lack of or inadequate communication from social worker, lack of acknowledgement of emails, incorrect information provided, failure to respond to requests made or keep the person or their family/ carers updated on progress.

18% (6) of upheld complaints related to level of support, which includes errors when it was acknowledged that the level of support could have been improved and also delays in support.

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

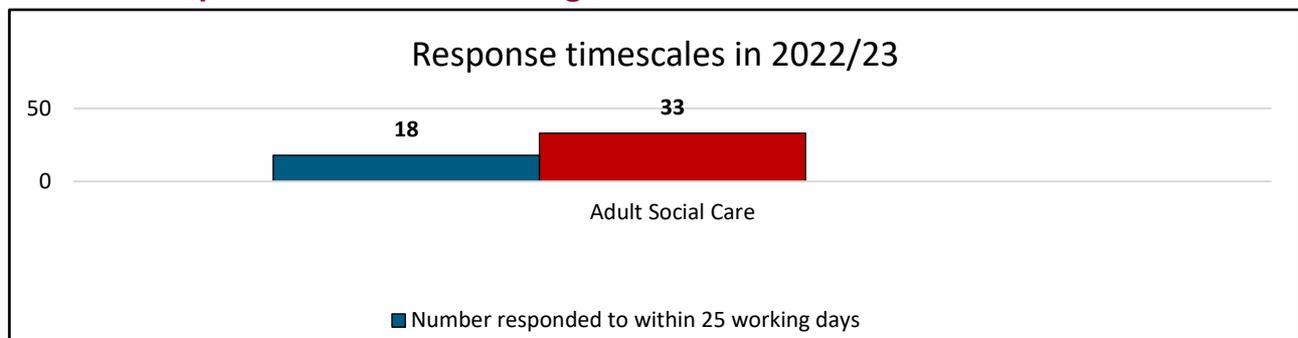
Timescales for responses

In 2022/23, the average number of working days to respond to an Adult Statutory Complaint across all portfolios was 25 working days. This is a significant decrease on the average response time from 33 working days on 2021/22 and the 53 days achieved in 2020/21. There has been a 53% reduction in timescales since 2020/21.

This continued improvement in response timescales has been a result of work completed in 2020 where procedures were put in place to improve timescales for Adult Statutory Complaints. Adult Social Care is supported by a Quality and Complaints Officer. The officer supports the complaints management and monitoring processes, alongside the Customer Relationship Team, across Adult Social Care, Child Protection and Family Support and Education and Skills. Complaints are rated based on timescales and allocated to Service Delivery Managers. Performance against timescales continues to be discussed on monthly basis at leadership Team Meetings.

Timescales have also improved significantly due to the changes that have been made to both the complaint procedure, which saw the introduction of a negotiated timescale with customers which seeks to better manage customer's expectations and also additional steps at service level to encourage timeliness of responses. This annual report highlights the continuing impact these changes are having for our customers. For a breakdown, see the chart below.

Chart 7: Response timescales at Stage One



Of the 35 complaints received, 33 have been responded to in year. 18 of the 33 responses were sent within 25 working days, all responses were sent within 65 working days and none exceeded 65 working days. This represents a further improvement on the 3% of responses outside of timescales in 2021/22 and on the 26% achieved in 2020/21. It should be noted that whilst these timescales are used for monitoring purposes, since October 2021 the focus has been on negotiating a timescale with customers with timescales often been agreed at between 25 and 35 working days. As this is an agreed timescale with the investigators few have exceeded this initial timescale, which has resulted in the average number of days significantly reducing.

No complaints received in 2022/23 exceeded the six month timescale.

Learning and outcomes from Adult Statutory Complaints

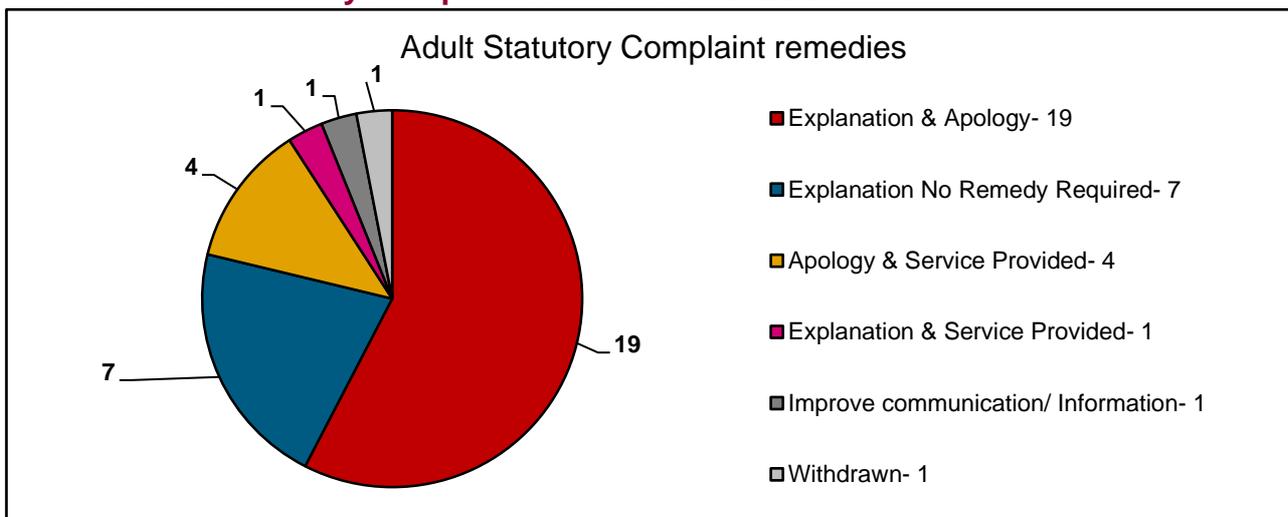
Complaints are a valuable source of information that can help to identify recurring or underlying problems and potential improvements. We know that numbers alone do not tell us everything about attitudes towards complaints and how they are responded to locally. Arguably, it is of greater importance to understand the impact that complaints have had on people and to learn the lessons from them to 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, 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 Adult Social Care Services to ensure that they see the “bigger picture” so that residents receive the best possible service. Working alongside Adult Social Care’s Quality and Complaints Officer, 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. The Quality and Complaints Officer works with the service to use feedback from complaints to improve services. Monthly reports are shared with the Adult Social Care Finance, Performance and Quality meeting. Feedback from complaints is considered alongside other types of feedback to learn lessons from the experiences of people, their families and carers.

Chart 8: Adult Statutory Complaint remedies in 2022/23



Of the remedies recorded against Adult Statutory Complaints in 2022/23:

- 58% were to provide an explanation and apology
- 21% were to provide an explanation
- 15% were to provide an explanation or apology and service provided
- 3% were to improve communication and information

Positive Improvements

Throughout the year, we record the learning identified from each complaint in order to build up a picture of common themes or trends. Learning from corporate complaints and other feedback about people's experiences is considered alongside that from statutory complaint as part of Adult Social Care quality assurance activities.

Case study

We found that some aspects of our practice and communication relating to Disability Related Expenditure (DRE) could be improved. We learned from one complaint that DRE had not been included in a Care Act review, which resulted in an incorrect financial assessment calculation. In another example we had not provided full information or explanation to the person. This linked to other feedback received and reflections from the service.

As a result we made changes to our business system to support practice and conversations with the person, and ensure equity and consistency. We also launched an updated Disability Related Expenditure (DRE) User Guide and staff training sessions to further embed the changes. This has been well received by staff and through the quality assurance framework we will be monitoring the impact of these changes.

Below are examples of other positive changes that have resulted from learning from complaints:

- Individual remedies have been completed concerning support plans and assessments, and identifying the best ways of working together and staying in touch
- Where social work practice fell short of our expected standards, this has been addressed as part of formal supervision process to support learning and professional development. Furthermore the supervision policy has been strengthened to address this area and is due to be launched in Summer 2023
- We have supported providers to implement and embed changes to improve customers journeys and engage with relatives as part of our Quality Assurance processes

- Managers have undergone complaint handling training provided by the Local Government and Social Care Ombudsman
- Additional quality assurance processes have been implemented to support the peer review system to ensure that all paperwork is present and that actions are followed up in a timely manner. During Summer / Autumn 2023 this will also be complemented by the development of the internal process to further reduce any delays to people
- Learning has been taken in relation to social worker absence and ensuring that suitable arrangements are in place when staff are absent from work
- Our training in relation to the Equality Act has been updated to include information regarding assistance animals and the Council's responsibilities in respect to this
- Teams received refresher training on direct payment processes and addition check has been added for staff to carry out to ensure assurance checks are completed.
- A range of actions have been taken to improve communication. We have spoken to all staff about the importance of the Adult Social Care Charter, highlighting the ways they can deliver this in their day to day interactions with the people they support, their families and carers. Training on 'Difficult Conversations' has been delivered. Working Together and Keeping in Touch documents have been developed and embedded. Individual reflective discussions have been held about people's experiences of conversations. This is also supported by the corporate Every Contact Counts approach and the review and relaunch of the Customer Contract
- ASC are currently developing a communication campaign about who to contact for help as well as self-help options. We have reviewed wording on a range of letters and documents to improve signposting
- We have developed an online version of the Adult Social Care feedback form with our Making it Real Board. The aim is to enable more people to provide feedback in a way that works for them – the online form is in addition to the paper feedback form and is accessible through both a link and a QR code.
- We are updating our "Preparing for Adulthood Leaflet" and have developed policies between Children's and Adult services
- Duty processes were updated to provide consistency for the person and avoid delays following up on agreed actions
- We have reviewed the process for how we support our carers. We will be starting Carers Community Hubs to provide timely advice and guidance and complete

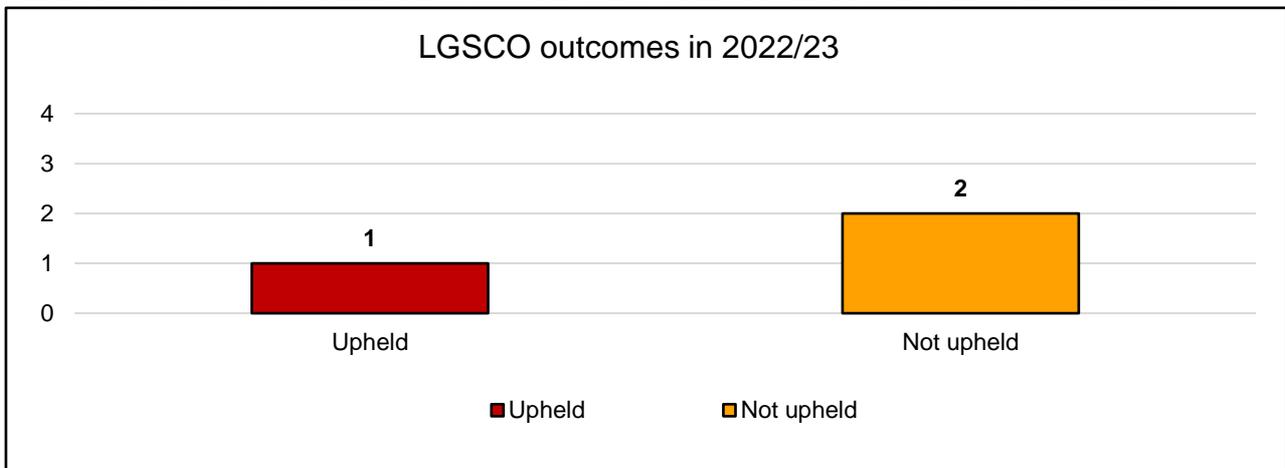
carers' assessments in order to recognise the importance of informal carers and assist them with the sustainability of their situation

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.

Two cases were escalated to the LGSCO in 2022/23. All cases have been determined in the year. Both cases were not upheld. One case remained outstanding on 31 March 2022, this case was determined in year. The complaint was upheld.

Chart 10: Local Government & Social Care Ombudsman outcomes in 2022/23



The Council fully complied with the recommendations made by the LGSCO, and learning was taken forward to improve practices in relation to timeliness of sourcing a care provider and failure to communicate effectively. There is now a full time broker in the Autism and Learning Disability Team to ensure that this does not happen again.

Concluding Comments

This annual report shows that the number of Adult Statutory Complaints we received in 2022/23 marginally increased from 33 from the previous year to 35. Our Adult Social Care services continue to receive 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.

The number of Adult Statutory complaints upheld was high in comparison to the total number received (76%). 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.

Timescales for responding to complaints have significantly improved during the last 12 months following some significant changes to local procedures and our complaints policy, this has seen complaint timescales reduce significantly, as timescales are agreed from the outset complaints are rarely extended beyond this timescale, more effectively managing our customer expectations.

The legislation allows for a complaint not to be registered as such if it is resolved within 24 hours of receipt. This year 65 complaints were resolved under the 24hrs resolved procedures this demonstrates that the Council is keen to resolve the concerns of customers as swiftly as possible and involve them in the resolution of the matter.

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.

- Services should continue to resolve the concerns of customers as swiftly as possible to the customers satisfaction and involve them in the resolution of the matter
- 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. The Quality and Complaints Officer provides support and further 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 investigation template should continue to be completed for all statutory complaints, this ensures that detail of the investigation and records review is kept for if the complaint escalates further to the LGSCO. It also allows for ongoing learning and development to be shared. The template will be reviewed and revised and training provided.
- The Customer Relationship team will also continue to escalate complaints that have exceeded timescales to the Adult Social Care Director.

Oversight and support provided

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

The Quality and Complaints Officer supports the complaints management and monitoring processes within Adult Social Care and works with the service to use feedback from complaints to improve services.

Priorities for 2023/24

During 2023/24, the Customer Relationship team and the Adult Social Care Quality and Complaints Officer will focus on a number of key priorities:

- Maintaining 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
- Develop an online learning course covering complaint procedures and how to both investigate and respond to complaints
- Providing complaint data to senior management on a monthly basis, as part of corporate monitoring
- Ensuring recommendations are implemented and learning embedded
- 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
- Further development of the digital complaints system to further improve efficiencies in complaint handling, recording of data and performance monitoring
- Working alongside ASC to review the ASC Complaint Processes to ensure they are fit for purpose and roles and responsibilities are clear
- Reviewing local response procedure and documentation to support best practice, ensure a personalised approach and maximise learning
- Ensuring our complaints processes are adhering to the ASC Accessibility Information Standards and that responses are provided in a way that meets the individual's needs

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

When an Adult statutory complaint is received we negotiate a timescale with complainants, depending on the complexity of the case. We aim to respond to all Adult Statutory Complaints within a maximum of 65 working days.

The Quality and Complaints Officer supports the complaints management and monitoring processes. 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).