



Annual report 2021/22

Adult social care:

Performance of the statutory
complaints procedure used by
the Adult Social Care division

Mark Watson Gray

Quality Assurance & Business Support Manager
June 2022

	Contents	Page
1	Purpose of the report	3
2	Policy context	3
3	The Local Government & Social care Ombudsman	3
4	Analysis of complaints 2020/21	5
5	Learning from complaints	7
6	Our priorities & proposed areas for Improvement	8

1 Purpose of the report

This report provides an overview of the operation and effectiveness of the statutory complaints procedure for adult social care, as followed by the Adult Social Care division of the London Borough of Lewisham's Community Services directorate, between 1 April 2021 and 31 March 2022. Information is provided on the complaints that were made, the lessons learnt from those complaints and how the Division performed in response.

The production of this report fulfils a statutory requirement and complements performance reports and trend analysis presented to the Division's management team.

2 Policy context

Since 1991, the National Health Service and Community Care Act 1990 has charged each local authority with maintaining a statutory complaints process for adult social care services. The current regulations, The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, came into force on 1 April 2009.

Statutorily, local provision of the regulations is the responsibility of each council's Chief Executive Officer. In Lewisham, that responsibility has been delegated to the Director of Operations for Adult Social Care.

The focus of the regulations is on early resolution rather than process, with an emphasis on learning from complaints. Local responsibility for administration and ensuring that lessons learnt from complaints are recorded and fed back to the Division's service providers, is delegated to the Quality Assurance and Business Support Manager for Adult Social Care, working in partnership with Principle Social Work and Advanced Practitioner colleagues.

3 The Local Government and Social Care Ombudsman

The Local Government and Social Care Ombudsman (LGSCO) provides an external, independent service that oversees complaints about a range of local authority services, including social services. The Ombudsman is concerned with maladministration by local authorities and social care providers leading to injustice.

The LGSCO also has the power to investigate complaints from adults who pay for their own care and who are in receipt of services from Care Quality Commission registered providers of social care.

The Ombudsman normally requires complaints to have been considered locally, using the most appropriate complaints procedure, before accepting a complaint for his own investigation.

Since the introduction of the current regulations on 1 April 2009, the Council has informed every complainant of their right to escalate concerns to the LGSCO at any time during the progress of their complaint.

At the time of writing this report, the Ombudsman had not yet produced his annual report of the complaints he received about local authority administration.

4 Analysis of complaints 2021/22

The Council received 89 complaints about adult social care during the reporting period. The tables below show that number in comparison to previous reporting periods, and the number of complaints received per quarter by comparison to those received during the previous reporting period.

2021/22	2020/21	2019/20	2018/19	2017/18	2016/17	2015/16	2014/15
89	79	87	78	69	76	70	90

Q1		Q2		Q3		Q4	
21/22	20/21	21/22	20/21	21/22	20/21	21/22	20/21
16	8	29	19	23	20	21	32

The number of complaints received increased, which was expected following the easing of lockdown measures both locally and nationally. Although as is routinely the case, quarter one was the period with fewest complaints recorded.

A significant number of people were impacted by strict policies put in place by the Council’s Health Partner’s that were designed to safeguard local hospital capacity. These policies were stood down during the reporting period and we anticipated a rise in the number of complaints to follow. We’re encouraged, therefore, that the increase in complaints received by the Council has been comparatively small.

4.1 Complaints received

The Council’s Adult Social Care division is divided into nine service areas outlined overleaf. Financial Services support with financial assessments and income and payments is provided by the Council’s Housing, Environment & Regeneration directorate, although complaints about these functions are covered by the statutory regulations and so are included as part of this report.

The nine services areas are:

- A dedicated **Adults with Learning Disabilities** Social Work team;
- In partnership with the South London & Maudsley NHS foundation trust, a dedicated **Community Mental Health team**;
- The **Gateway** is the ‘front door’ and single point of access to social care and community health services. It includes the Social Care Advice & Information team, is linked to the Community Nursing Team, and supports a Duty Social Work response;
- The provision of Social Work, Occupational Therapy and Support Planning across four **Integrated Neighbourhoods**;
- **Internal Provider Services** that help people to stay safe and well at home through the use of Enablement Services and Telecare; and a Shared Lives Scheme and Day Opportunities Service that help adults with learning difficulties to have better life experiences living as part of their local communities.
- A **Joint Commissioning** service resourced by the Council and NHS Lewisham’s Clinical Commissioning Group (CCG) to maintain the contracts for the provision of homecare support and brokerage of short & long term residential & nursing placements; and the management of support funded by NHS Continuing Healthcare;
- A **Joint Health & Social Care** service funded by the Council and Lewisham & Greenwich NHS Trust focussed on the avoidance of admission to hospital, and the safe and sustainable discharge of patients back into the community;
- A **Safeguarding Quality Assurance** service providing strategic support of the Council’s safeguarding responsibilities, including the provision of a Multi-agency Safeguarding Hub, a Deprivation of Liberty Safeguards (DoLS) service, and an out of borough Placement Review team.
- An **Arranging Care** team that is responsible for sourcing and administrating people’s care, including Direct Payments.

The table overleaf shows the number of complaints received during the reporting period by service, and the length of time taken (in working days) to provide a response.

Service menu (level 3)	0 - 10 working days	11 - 25 working days	26-60 working days	61+ working days	Total
Arranging care	3	2	3	1	9
AWLD Social work	2	1	4	3	10
Community Mental Health	1				1
Financial Services	3	5	4	1	13
Gateway	2	3	1	1	7
Integrated neighbourhoods	4	12	4	6	26
Internal provider services		2	1	1	4
Joint Commissioning	2		1		3
Joint health & social care	1	5	6	1	13
Safeguarding, quality assurance	2	1			3
Total	20	31	24	14	89

4.2 Performance

The Council's performance measure is to consider and respond to complaints about adult social care within 25 working days. There is provision in the statutory regulations to extend that time-period up to 60 working days, with the customer's consent, for complaints that are of a more complex nature. The Council responded to more than half (57%) of the complaints it received without needing to extend the initial deadline of 25 working days.

The regulations also allow for work to be done and actions to be taken in order to resolve a person's concerns 'on the spot' without making them go through a process unnecessarily, particularly where satisfactory local resolution can be achieved quickly and easily. The Council resolved 13% of the complaints it received in this way.

In 14 cases (16%) the deadline for response wasn't formally extended and the Council responded outside the 60 day timescale. In the previous reporting period this figure was 39% largely due to a technical issue with the Council's workflow system for casework.

However, compared to the 2019/20 reporting period this still reflects an 8% reduction and the Quality Assurance team is therefore encouraged to continue its work with services to maintain this improvement.

4.3 Category analysis

The electronic work-flow system the Council uses to help administrate the correspondence it receives supports a 'root cause analysis' of complaints which helps officers to record multiple issues for investigation. Analysis of the complaints received shows that:

- 25% of complaints received were about a perceived failure in the Council's delivery of services. More than half of these complaints were upheld, partly upheld or resolved on the spot;
- 19% of complaints received related to inadequate services provided by a third party commissioned service. Of those complaints half were upheld or partly upheld, or resolved on the spot with action taken;
- 16% of complaints received recorded were from people who were unhappy about our decision making. More than half of these complaints were not upheld or rejected. Only one complaint was fully upheld;
- 15% of complaints received were about financial services, either income, payments or financial assessments. Half of these complaints were upheld or partly upheld and half not upheld or rejected.
- 12% of complaints reported a service, advice or information that was not to the quality or standard expected. More than half of complaints in this area were either upheld, partly upheld or resolved on the spot.
- 8% of complaints were about delays. Half of these complaints were upheld, partly upheld or resolved on the spot.
- Seven complaints were received about staff conduct. Of those only 1 was upheld and another was resolved on the spot.

5 Learning from complaints

The Service Development and Improvement team supports people to quickly and satisfactorily resolve concerns and complaints. One of the key ways we achieve that is by helping people to focus on those things they would like to see improved as a result of their complaint and what outcomes they are seeking.

The following key learning points were identified during the reporting period that are linked to the complaint trends identified as part of this report's analysis.

5.1 *Failure of service and unhappiness with decision making*

The work of the Adult Social Care Improvement Group referenced in our analysis from the previous reporting period, has become part of 'Empowering Lewisham'. This exciting programme of re-design work, being carried out with partners, is designed to improve outcomes for service users whilst addressing our budgetary demands and service pressures.

There are 5 strands or work streams across the adult social care division focusing on co-designing and delivering changes: decision making, enablement, learning disability moving on & progression, change and culture and digital delivery.

5.2 *Complaints about third party providers.*

As part of the Multi Agency Quality Assurance and Improvement Group (MAQAIG), the Quality Assurance team has been asked to work with the Joint Commissioner for Community Support & Care on a review and re-design of the professional Quality Alert system. The aim is to produce a system that allows professionals and providers to interact more efficiently in regard to concerns about the quality of work being delivered on behalf of the Council.

The intelligence gathered from these reports will be scrutinised by MAQAIG as part of its Quality Assurance Framework.

5.3 *Financial services*

A great deal of work was done to implement a new finance system that allowed the Council to move away from its retrospective invoicing system for care services. The new system allow us to manage services in real time so that people receive invoices that are both accurate and timely, and based on services received. Issues have arisen along the way and these have largely been resolved on a case by case basis. One issue is outstanding which cannot be resolved locally and that currently sits with the manufacturer of the system for resolution.

6 Our priorities and proposed areas for improvement

The Service Development and improvement team will continue to make available a high quality, effective representations service for the Council's customers to use, and will support it's adult social care colleagues to capture and use the learning opportunities available from the representations it receives.

The Team has identified the following priorities and areas for improvement.

- 1 Provide a continuous review of publically available information about the Council's adult social care service ensuring its appropriateness, accuracy and availability.
- 2 Go beyond the work completed last year with Service Managers on improving responses to complaints, taking it to Operational Managers and their Senior Social Workers.
- 3 Support the work of Empowering Lewisham by providing all work streams with data and intelligence, and playing an active role in helping to shape the work of the culture & change, and digital delivery work streams; and
- 4 In conjunction with that support, continue to work with the Principle Social Worker and their Advanced Practitioners to design an affective 'feedback loop' enabling easy access to learning from complaints and complaint trends, so that they can be used more readily. The aim being to transform Lewisham's adult social care division into a dynamic learning organisation.