



Havering
LONDON BOROUGH

PEOPLE OVERVIEW & SCRUTINY SUB-COMMITTEE – 5 SEPTEMBER 2023

Subject Heading:

Adult Social Care Annual Complaints & Compliments Report

SLT Lead:

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Policy context:

An annual report is required as part of the remit of 'The Local Authority Social Services & NHS Complaints (England) Regulations 2009 and Health and Social Care (Community Health and Standards) Act 2003.

Financial summary:

There are no financial implications as this report is for information purposes and is required as part of the statutory complaints regulations

The subject matter of this report deals with the following Council Objectives

Communities making Havering
Places making Havering
Opportunities making Havering
Connections making Havering

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SUMMARY

The Adult Social Care Annual Complaints Report 2022-23 is attached as Appendix 1. The report outlines the complaints, enquiries, compliments and Member correspondence received during the period April 2022 – March 2023.

Adult Social Care Annual Complaints fall within the remit of the 'The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009' with a requirement to publish the annual report.

RECOMMENDATIONS

1. That Members note the contents of the report with the particular challenges faced by the service during 2022-23 with the added pressures resulting from the coronavirus (COVID-19) pandemic, cost of living crisis and the continued efforts in resolving and learning from complaints.
2. That Members note:
 - (a) the continued use of complaints as a learning tool to identify actions to improve services.
 - (b) the continued monitoring by the Service and the Complaints & Information Team to ensure actions are implemented to evidence the service improvements with a view to reduce similar complaints.
3. That Members note the increase in the positive feedback received by staff, during a particularly difficult period, by way of compliments received and highlighting examples of good practice.

REPORT DETAIL

1. In 2022-23, Adult Social Care received 115 statutory complaints, representing a 31% increase from 2021-22(74). The increase in complaints over the last year could be attributed to commissioned providers re-opening post-lockdown and being more open more widely to family members following the lingering aftermath of the Covid 19 pandemic.
2. Ombudsman enquiries in 2022-23 (7) were similar to the number received in 2020-21. Of the 6 enquiries, there were 2 decisions for maladministration (injustice with penalty) and 5 closed after initial enquiries (no further action). One of the upheld investigations concluded that The Council had acted with fault in how it processed and considered Mr X's application for replacement windows. The other found that The Council failed to ensure they understood the service users mental capacity when corresponding with him about financial matters..
3. Financial issues continue to be the highest reason for complaints during 2022-23 followed by Standard of service which is the same as in 2021-22. Where financial issues were given as the primary reason for complaint, the majority were in relation to care provided via home care or

residential/nursing home, followed by discharge arrangements and provision of equipment which explains why the Joint Assessment and Discharge Team have seen the highest number of complaints. Standard of Service was the second highest during 2022-23, and remains mainly around the poor quality of care by Home Care Providers and these also tend to lead to disputes regarding charges and invoices. Dispute Decision was the third highest with the majority of these also referring to being given incorrect information at the point of a hospital discharge free care.

4. The number of complaints upheld (28) or partially upheld (21) represented 42.6% of the total complaints responded to in 2022-23, with 52 (36.5%) not upheld and 14 (12%) complaints withdrawn. Of those upheld, the majority resulted in an apology or information/explanation given with the next highest resulting in a financial adjustment.
5. Learning from complaints continues to be a focus within Adult Social Care. During 2022-23, with rising financial demands on residents the priority and focus for Adult Social Care was on vulnerable residents within Havering and ensuring appropriate support was provided. With the complaint outcomes, it highlighted that there was still a need for workers to ensure that service users and family members received appropriate, relevant and accurate information.
6. Response times for complaints improved in 2022-23, with 58% of complaints responded to within 20 working days, compared to 52% in 2021-22.
7. During 2022-23 complaints received in relation to those aged 75 to 84 almost doubled, increasing by 84%. Complaints regarding those aged 85+ slowed down in 2022-23 only increasing by 8%. It is noted that during 2022-23 complaints relating to females were 83% higher than those for males. Females have the highest number of complaints recorded across all age ranges in 2022-23 with the exception of 2020-21 there was a much higher number of females to males across the age ranges with the exception of the aged 35-44 range.
8. As reflected in the population of Havering, 'White British' is the highest ethnicity and there was an 84.7% representation in this category for 2022-23 as against 78% recorded for 2021-22. There were no significant changes in the data collated for the other groups such as Asian/Asian British – Any other Asian background', 'Asian/Asian British – Pakistani' and 'Mixed White & Asian', 'Black/Black British – African' and 'Black/Black British – Caribbean'. Whilst underrepresented groups have not changed over the years, we are closely monitoring our resident involvement process in view of Havering's changing demographics.
9. There has been a significant increase in the number of service users who have no religion recorded, this has increased from 26 in 2021-22 to 88 in

2022-23 up 238%, and greater emphasis will be placed on case file auditing to address this. There have been marginal increases in those recorded as Catholic and Christian and a small decrease in those recorded as Church of England during the year 2022-23.

10. Email continues to be the favoured method of contact during 2022-23 at 50.4%, with telephone being the second highest method of contact at 20%, which remains consistent with 2021-22.
11. The preferred method of contact in 2021-22 continued to be by email (48%), with telephone (18%) being the next preferred method, a marginal decrease from 19% in 2020-21.
12. Expenditure on complaints totalled £10,501.26 in 2022-23, a significant increase on the £350 in 2021-22. This is made up of £2024.42 reduction of invoices charges following a LGSCO investigation, £8282.14 invoices waived in relation to discharge to assess disputes and delays in assessments being undertaken, and a one off payment of goodwill of £195.00.
13. The number of compliments received during 2022-23 reduced to 48 from 52 in 2021-22. A plausible reason for this could be attributed to the correlating increase in complaints over the past year. Despite this, the examples of compliments shows the positive work by Adult Social Care staff during a very difficult period.
14. Member enquiries decreased by 17% in 2022-2 (48) compared to 2021-22 (58) with 89.5% (43) being responded to within the timeframe compared to 81% (47) in 2021-22.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no specific financial implications to this report, which is for information only. Costs incurred through complaints will be contained within Adult Social Care allocated budgets. With the increase in the number of complaints highlighted in the report, there is still a risk of consequential compensation payments, which is being managed in the service by ensuring lessons are learned and procedures reviewed to minimise the risk of compensation arising from future complaints.

Legal implications and risks:

The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 require the Local Authority to have a complaints

process for adult social care complaints. These Regulations set out the types of complaint that can be made, by whom and how they are to be processed.

Regulation 18 requires as follows:

- (1) Each responsible body must prepare an annual report for each year which must—
 - (a) specify the number of complaints which the responsible body received;
 - (b) specify the number of complaints which the responsible body decided were well-founded;
 - (c) specify the number of complaints which the responsible body has been informed have been referred to—
 - (i) the Health Service Commissioner to consider under the 1993 Act; or
 - (ii) the Local Commissioner to consider under the Local Government Act 1974; and
 - (d) summarise—
 - (i) the subject matter of complaints that the responsible body received;
 - (ii) any matters of general importance arising out of those complaints, or the way in which the complaints were handled;
 - (iii) any matters where action has been or is to be taken to improve services as a consequence of those complaints.

The Annual Report appears to comply with these Regulations and therefore there are no apparent legal implications from noting of this report.

Human Resources implications and risks:

There are no HR implications.

Equalities implications and risks:

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants. We are regularly monitoring the equalities profile of our customers and it is encouraging that disclosure is improving year on year.

The most recent monitoring information has evidenced that the number of ethnic minorities accessing the complaints process is reflective of the population within Havering and therefore accessing information about our Complaints, Comments and Compliments Policy and Procedure or the facilities available to make a complaint/compliment is available to these groups. Monitoring data shows that there has been a significant increase in complaints made by service users with physical disabilities and this has been linked to the increase in disabled freedom pass complaints, however this will need continued monitoring.

We will continue to ensure that our communication is clear, accessible and written in plain English, and that translation and interpreting services or reasonable adjustments are provided upon request or where appropriate. We will need to ensure accurate and comprehensive monitoring data is maintained to cross-tabulate complaints data against protected characteristics. This will provide us with more detailed information on gaps/issues in service provision and barriers facing people with different protected characteristics, and will enable us to take targeted actions and make informed decisions on service improvement and future service provision.