Adults Social Care
Annual review of complaints

User and carer

Residential Care
Reablement
Homecare
Carers Support
Occupational Therapy
Social Work

2017 / 2018

Complaints Team
Finance and Governance

Adults Social Care
Families and Homes

www.walthamforest.gov.uk
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Executive Summary

It is a statutory requirement to produce an annual report about complaints made by, or on behalf of people who receive support or services from Adult Social Care. This annual report also provides a mechanism by which the Council can monitor the quality and effectiveness of services and of its complaints procedure.

This report provides an overview and analysis of all complaints received during the reporting period 1 April 2017 to 31 March 2018; including a summary of identified issues, examples of service improvement and details of future objectives for 2018/19. Comparisons from the previous reporting period, i.e. from 1 April 2016 to 31 March 2017 have been included where available.

The report will be published on the Council’s website, and made available to managers and staff, elected members, residents and inspection bodies. Graphical information regarding the volume and type of complaints for the period 1 April 2017 to 31 March 2018 can be found from page 7 onwards, from which the following key points are highlighted below.

During 2017/18, over 6000 contacts were received from people wanting a service from Adult Social Care. At the end of March 2018, just under 4000 people were being provided with ongoing long term support in line with their assessed needs.

Key Statistical Information

- Local Resolution Complaints

During the reporting period of 1 April 2017 to 31 March 2018, the Social Care Complaints Team recorded a total of 62 complaints relating to Adult Social Care, which is a 24% increase over the 47 received in the same reporting period in 2016/17.

Most of the complaints received, 62 (98%), were resolved at the Local Resolution Stage by Adult Social Care and did not progress to the Local Government and Social Care Ombudsman (LGSCO). This compares favourably to 40 (90%) in the previous reporting period of 2016/17.

Of the complaints received during the reporting period, 63% were responded to within the agreed timescales of 20 working days. This is an improvement on the response rate achieved during 2016/2017, which stood at 52%.

Of the cases responded to, 56% were upheld or partially upheld during the reporting period 2017/18, compared to 50% in the previous reporting year 2016/17.

Escalation to the Local Government and Social Care Ombudsman (LGSCO)

A complainant can access the LGSCO at any point during the complaints process. However, the LGSCO normally provides the Local Authority with the opportunity to process the complaint through its own the complaints procedure first if it has not yet had the opportunity to respond to issues presented by the complainant.
During the reporting period 2017/18, a total of 3 complaints were made to the Local Government and Social Care Ombudsman, with one being investigated; but not upheld. The remaining two complaints were initially reviewed by the LGSCO; but were closed without further enquiries to the Council.

- **Background – Statutory Complaints Procedure**

Complaints are investigated under the statutory provisions of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, and the Council’s Corporate Complaints Procedure in respect of the administrative aspect of Community Care Charges.

In Waltham Forest, Adult Social Services is known as Adult Social Care. For ease of reference, the statutory complaints procedure is referred to as the Adults Complaints Procedure.

The Social Care Complaints Team has the key responsibility for managing the statutory process for complaints from adult service users (or their representatives) about the quality of the service they receive.

The fundamental principles that underpin Waltham Forest’s Adult Social Care complaints procedure are:

- Ensuring that complaints are managed effectively by having clear and straightforward systems in place to capture complaints and that these processes are readily accessible to all users, and
- Ensuring decisions are taken as quickly as possible and where fault is found, lessons are learnt which are then fed back into service improvements.

The Adults Complaints Procedure offers an opportunity for the Council to resolve customers’ dissatisfaction.

- **Local Resolution Stage**

This stage provides the opportunity for managers and staff who have responsibility for the case to try and resolve issues of dissatisfaction at a local level as early as possible. The Social Care Complaints Team provides support and guidance to both the complainant and the service manager, to help achieve early resolution and, where things have gone wrong, to ensure that matters are put right quickly with lessons learned captured and fed back into service improvements. The timescale for resolving these complaints is 20 working days.

- **Local Government and Social Care Ombudsman (LGSCO) stage**

If a complainant remains dissatisfied after receiving a response to their complaint, they can take their complaint to the LGSCO. A complainant can access the LGSCO at any point; but the LGSCO normally provides the Local Authority with the opportunity to process the complaint through the statutory procedure before dealing with the complaint. The timescales for responding to the LGSCO’s enquiries (usually 28 calendar days) are set by the LGSCO and the Council is required to adhere to them.
How to make a complaint

Complaints should be made through an online customer portal (or by letter if the person does not have online access). They are then allocated to team managers via this system; which sends out reminder notifications to the service and keeps the complainant informed about where their complaint is within the process.

The online portal is designed to make access to services more efficient, and enhance a customer’s experience of dealing with the Council and our services online. It also allows Council services to communicate with customers using the same method, thus cutting down on the need for correspondence by post. Full details can be found at: www.walthamforest.gov.uk/content/complaints

If someone is unable to access the online portal or send us a letter; then they can call and we will take the details over the telephone and confirm this in writing.

Advocacy

Advocacy in its broader sense is about empowering people to make sure that their rights are respected and that their views and wishes are fully considered and reflected in decision-making about their own lives.

In general, where service users and carers wish to use an advocate, the Council has commissioned an organisation called Citizens Advice Waltham Forest to provide free, confidential and independent advocacy to people who use care and community services in Waltham Forest.

Alternatively, people can contact a relevant disability or carers’ organisation for assistance; such as Age UK, Mencap or Carers UK. The Social Care Complaints Team can put complainants in touch with advocacy organisations where requested.

Confidentiality

The Council recognises every complainant’s right to confidentiality, requiring adherence to the following principles:

- Information given by the complainant must only be used for the purpose intended;
- Information should only be shared between agencies on a need to know basis.
- Information about the complaint and the complainant should be recorded only where it contributes to the resolution of the complaint.
- Information used for monitoring, review and analysis purposes should never be presented in a way that identifies individual complainants.
- Personal data is protected under the Data Protection Act 2018, and service users have rights under the General Data Protection Regulations about how to view their information, and know how it is used, stored and processed.
- We all have a responsibility to collect and process personal data in a way that complies with the new rules and need to be aware of the impact of this on our day-to-day roles.

More information and our Privacy Notice can be found on the Council’s website at: www.walthamforest.gov.uk/content/corporate-complaints-team-privacy-notice
Listening to service users and learning from complaints

Adult Social Care considers outcomes from complaints as valuable lessons. Managers responding to complaints/representations are encouraged to identify any shortcomings within the service and to inform the complainant of actions which will be taken to prevent a recurrence of the event which led to the complaint.

All resolution and actions ensuing from complaint investigations are assigned to the manager responsible for the service and progress against those actions is monitored by the Social Care Complaints Team over the course of the year.

Managing the complaints process

The Social Care Complaints Team (‘the Team’) is part of the corporate Complaints Team within the Finance and Governance Directorate. The Team provides a support function to the Families and Homes Directorate, and consists of a Complaints Manager and a Complaints Officer. The Team is responsible for the administration and management of both the adults and children’s statutory social care complaints functions. The responsibility for preparing and issuing responses to complaints remains with Adult Social Care teams within Families & Homes.

Training and Development

E-learning is available to all staff; including modules on complaint handling, customer care, data protection and so on; these can be accessed through the Council’s Website. The Social Care Complaints Team is available to support and advise staff; to ensure that best practice is followed during a complaints investigation; and to provide targeted training with individual members of staff and managers on request. In addition, in February 2018, a set of revised complaints handling procedures and processes was introduced and made available on the staff intranet. The complaints procedures are reviewed on an annual basis to ensure they remain up to date.

Integrated Services

Many of Waltham Forest’s health and social care services are provided in partnership with health agencies within the borough, primarily; the North East London NHS Foundation Trust (NELFT), Barts Health NHS Trust and the Waltham Forest Clinical Commissioning Group.

Adult Social Care work in close partnership with these agencies, with many services integrated with staff from both the NHS and Waltham Forest.

The complaints processes are provided and managed separately for each agency, and performance information set out in this report is specifically about the Waltham Forest Council aspect of the complaints procedure.

- Learning Disability Services

Learning Disability Services within Waltham Forest consist of both social work staff and healthcare clinicians. Complaints in respect of the social work part of the service are included within the performance figures outlined in this report.
Up until October 2017, where complaints were solely about health staff or NHS provision, these were referred to NELFT and dealt with under their complaints procedure. After this time, complaints about any part of the Learning Disability Service were considered under the Adult Social Care Complaints procedure.

- **Mental Health Services**

The North East London NHS Foundation Trust solely manages mental health services within Waltham Forest on behalf of the Council and the Clinical Commissioning Group. The team consists of a multi-agency environment; this includes social care staff. All complaints we receive about this service are referred to NELFT for a response under their complaints procedure.

**Analysis of complaints**

The following sections of the report provide statistical information on the number of statutory adult social care complaints recorded and actioned by the Council; the performance against statutory timescales for handling complaints and complaint trends between the reporting year 2017/18, and the previous reporting year 2016/17.

During the reporting period 1 April 2017 to 31 March 2018, the Social Care Complaints Team recorded a total of 62 complaints relating to Adult Social Care, which is a 24% increase over the 47 received in the same reporting period in 2016/17.

The primary issues complained about are standardised across the Council and also in line with the Local Government and Social Care Ombudsman. It is not always easy to fit Adults Social Care complaints into one of the six categories, as it is not a ‘one size fits all’ solution, and some complaints cross multiple categories. Each complaint is allocated a ‘best fit’ category according to the issues raised by the complainant and is from their perspective. The types of complaints are roughly allocated as follows:

- **Policy and Decision** – usually relates to an outcome of an assessment or a service request that has not been agreed
- **Staff Attitude** – primarily around customer service issues, or where a worker said they would do something; but did not
- **Poor Quality** – mainly about the quality of reports and case management
- **No Provision** – where a service was agreed; but not provided
- **Communication** – usually about calls, messages, emails, etc. not being returned
- **Delay** – where a formal or informal deadline is set to provide a service; but is missed and provided much later

The following chart shows the reasons for making a complaint during the reporting year 2017/18, compared to 2016/17.
Overall, there were increases in most areas in this reporting period; more specifically:

- There was a 69% increase in complaints about communication, going up from 4 to 13.
- There was an increase of 86% in the number of complaints about delay – we received 13 complaints about this in 2017/18, when compared to the 2 received in 2016/17.
- However, there was a decrease in complaints about Policy and Decision and Non-Provision, both of which reduced 18% and 15% respectively.

The following chart sets out information about who accessed the statutory procedure during the year 2017/18, compared to last year.

Two thirds of complaints 42 (67%), were made by carers or relatives of the service user; whereas 9 (15%) were made by the service users themselves.

Complaints made via a professional representative (such as an advocate or solicitor) increased this year from 7 in 2016/17 to 11 in this reporting period.

The following chart sets out the total number of complaints requiring a response by each service area during the reporting year 2017/18 and the number responded to within timescale:
The following teams’ complaints were logged under the Adults Complaints Procedure, as they provide services to Adults Social Care customers:

- **NELFT** – North East London NHS Foundation Trust manages mental health and learning disabilities services in partnership with Waltham Forest Council.

- **Mobility and Telecare** – these services are managed by the Council’s Business Support Hub.

- **FiDAS** (also known as Resident Financial Services), are part of the Finance and Governance Directorate and look after Adult Social Care clients’ money, where they unable to do so themselves.

- **Financial Assessment Unit** – is part of the Neighbourhoods and Commercial Group

### The complaints received in 2017/18, compared to 2016/17, were allocated to the following service areas:

Please note that due to restructuring within the Council, some services changed directorate; but they still support Adult Social Care. Therefore, complaints about these services have been included in this report.

<table>
<thead>
<tr>
<th>Service Area</th>
<th>2017/18</th>
<th>2016/17</th>
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<tbody>
<tr>
<td><strong>Assessment and Care Management</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Including First Response, Reviewing Team, Appeals Panels, Re-ablement, Occupational Therapy, Complex Care, Hospital Social Work and Brokerage)</td>
<td>29 (47%)</td>
<td>34 (78%)</td>
</tr>
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The following chart shows the channel used to contact the council regarding making a complaint during the reporting year 2017/18, compared with the previous year 2016/17.

<table>
<thead>
<tr>
<th>Provision and Choice</th>
<th>2017/18</th>
<th>2016/17</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Including Council residential care homes)</td>
<td>3 (5%)</td>
<td>4 (9%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Brokerage and Strategic Commissioning</th>
<th>2017/18</th>
<th>2016/17</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Including private homecare &amp; residential care)</td>
<td>4 (6%)</td>
<td>1 (2%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NELFT</th>
<th>2017/18</th>
<th>2016/17</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Including Learning Disabilities and Mental Health Services)</td>
<td>7 (11%)</td>
<td>5 (11%)</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Support Services</th>
<th>2017/18</th>
<th>2016/17</th>
</tr>
</thead>
<tbody>
<tr>
<td>(including Mobility, Telecare, Financial Assessment Unit, and FiDAS)</td>
<td>19 (31%)</td>
<td>0 (0%)</td>
</tr>
</tbody>
</table>

The Council encourages residents to use its online portal to request services and submit complaints. The online portal has been in place since November 2015. Residents who do not have internet access at home, can seek support from the Library Service Plus, or they can submit their complaint by letter. Towards the latter end of 2017/2018, we discontinued the use of generic email address to further encourage customers to use the online portal. In exceptional circumstances, complaints are taken over the phone.
The following table shows the reasons for making a complaint during the reporting period 2017/18 and the outcomes at each stage of the complaints procedure.

<table>
<thead>
<tr>
<th>Trend</th>
<th>No of Complaints</th>
<th>Upheld</th>
<th>Partially Upheld</th>
<th>Not Upheld</th>
<th>Other</th>
<th>% of Complaints Upheld and Partially Upheld</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Resolution Complaints (Stage 1)</td>
<td>62</td>
<td>17</td>
<td>21</td>
<td>23</td>
<td>1</td>
<td>61%</td>
</tr>
<tr>
<td>Delay</td>
<td>14</td>
<td>5</td>
<td>6</td>
<td>3</td>
<td>0</td>
<td>79%</td>
</tr>
<tr>
<td>Poor Quality</td>
<td>9</td>
<td>1</td>
<td>7</td>
<td>1</td>
<td>0</td>
<td>89%</td>
</tr>
<tr>
<td>Non Provision</td>
<td>9</td>
<td>1</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>56%</td>
</tr>
<tr>
<td>Communication</td>
<td>13</td>
<td>8</td>
<td>1</td>
<td>4</td>
<td>0</td>
<td>69%</td>
</tr>
<tr>
<td>Policy and Decision</td>
<td>11</td>
<td>1</td>
<td>1</td>
<td>9</td>
<td>0</td>
<td>18%</td>
</tr>
<tr>
<td>Staff Attitude</td>
<td>6</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>50%</td>
</tr>
<tr>
<td>LGO Complaints</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0%</td>
</tr>
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The following chart compares the response timescale for complaints received during the reporting year 2017/18 and the previous year 2016/17.

This represents a 9% increase in the response time overall between 2016/17 and 2017/18.

The Local Government Ombudsman states that:

‘Many practical difficulties can be resolved if they are raised promptly and openly, even if it takes time to investigate what lies behind the presenting issues.’
Prompt action to resolve complaints benefits the person directly affected by any poor service, as well as giving social care providers the chance to make immediate improvements for the benefit of all their clients.

All providers should handle complaints put to them briskly and openly. They should not let disputes drag on but be clear when they have investigated the issue and taken remedial action. If they are not satisfied, providers should let complainants know they have a right to take matters on to the LGO, and how to do so.

The Achieve system sends managers email notifications when a complaint is due for response within a few days and when it is overdue.

The following chart shows the outcome of Complaints received during the reporting year 2017/2018, compared with the previous year 2016/17.

Of the cases responded to, 61% were upheld or partially upheld during the reporting period 2017/18, compared to 50% in the previous reporting year 2016/17.

With regards to those complaints that were upheld, the service offered apologies and advised the service users of any actions that would be taken to prevent the incident that led to their complaint from recurring.

Compliments

Many compliments are delivered verbally and are not easily captured for reporting purposes. However, where staff have done an exceptionally good piece of work or provided an excellent service, some service users and carers have felt compelled to send in a written compliment to that worker or team.

During 2017/18, 22 compliments were received; a snapshot of these is outlined below:

**Occupational Therapy Team** – We have received excellent help and support from the occupational therapist, such as we have not had before. He has been kind, courteous, polite and professional.
He has certainly helped my family member to achieve as much independence as possible and thus helped me in caring for him. I hope you realise what a valuable member of staff he is, and thank him for all the help and support he has given us.

**Resident Financial / Property Protection** - Thank you for sending me the photos and for all that you have done - words cannot express how much you and Waltham Forest Council have helped. I deeply and sincerely appreciate it. Thank you.

**Review Team** - I'd like to thank you both for all your efforts in arranging my relative’s move to a care home. It hasn’t been easy over the last few months but you have shown the difference it makes to have social workers with compassion and understanding, and also local knowledge.

**Provision & Independence** - My relative who was resident in a care home stated how happy she was and how staff were so caring. Please pass on my sincere thanks.

### Improvements in 2017/18

- Adults Social Care updated their Fairer Contribution Policy in relation to adults who are assessed to pay a client contribution towards the cost of their care. This introduced a streamlined appeal process to deal with initial challenges.

- The complaint leaflets and the information was revised and uploaded on to the website to ensure that it remains accessible to all. This can be found on the Council website at: www.walthamforest.gov.uk/node/3709

### Future work programme for 2018/19

- The Social Care Complaints Team will continue to work with Adults Social Care to identify areas for service improvement and learning from complaints. This will be done through the implementation of action plans, which the Social Care Complaints Team will set out with recommendations for service improvement following Stage 1 complaint investigations and LGSCO investigations when applicable. Adults Social Care will have the opportunity to review recommendations, agree or change them as appropriate and then feed back to the Social Care Complaints Team.

- We will work with the Local Government and Social Care Ombudsman to provide complaints training sessions to new managers within Adults Social Care to ensure that they are familiar with Waltham Forest’s complaints process and can effectively signpost people on how to make a complaint.

  The training will also help participants to develop their skills in evaluating information and making sound decisions when responding to complaints, communicating those decisions effectively, and resolving and learning from complaints.

- We will work with the Council’s General Data Protection Regulation Support team, where required, to support the service to identify and implement any changes required by the General Data Protection Regulation in relation to complaints handling; such as, consent, retention periods and Privacy Notices.
The Complaints Team Privacy Notice has been created and can be found on the Council’s website at: www.walthamforest.gov.uk/content/corporate-complaints-team-privacy-notice