

Barnet Council

Adult Social Care

Annual Complaints Report

2019-2020

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1. Introduction

Barnet Council's adult social care service, part of the Adults and Health directorate, provides statutory social care services including: individual care and support; safeguarding; information and advice; preventative services; assessments under the Mental Health Act (MHA 1983, amended 2007) and the Mental Capacity Act (MCA 2005). Social Care Direct acts as the front door for new adult social care enquiries and is operated by the council's Customer Support Group (CSG).

Comments, complaints and compliments are welcomed by the Service and are seen as a tool to help improve and develop services and practice. They provide the opportunity to learn from mistakes and to put things right for an individual when they have gone wrong.

Barnet Council is required, under statutory regulations, to report annually to the relevant Council Committee on adult social care complaints.

This report provides information about complaints for Barnet's Adult Social Care Service for the period 1 April 2019 to 31 March 2020. The report considers complaints dealt with through both the Statutory Adult Social Care and Corporate Complaints Procedures where these relate to Adult Social Care.

2. Adult Social Care Statutory Complaints Procedure

The Council is required to operate a separate Statutory Complaints and Representations procedure for adult social care, in accordance with the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009 and the Local Authority Social Services and National Health Service Complaints (England) (Amendment) Regulations 2009 (hereby referred to as 'the Regulations'). Any complaint which does not fall under these requirements is considered under the Council's Corporate Complaints Procedure.

All complainants who have exhausted the Council's Statutory Complaints Procedure retain the right to approach the Local Government and Social Care Ombudsman (LGSCO). The LGSCO is impartial and independent and act as the final stage for complaints about the Council, Social Care Providers, Care Homes and Home Care Agencies.

3. Accessing the complaints procedure

The service continually seeks to encourage people who use social care, and their carers, to provide feedback (positive or negative) on the services and customer care that they have received.

The process is publicised through the following means:

- The Comments, Compliments and Complaints booklets are widely distributed to public offices in the Borough.
- The Easy Read version of the booklet is also widely distributed. This is aimed at people with Learning Disabilities and others who would find a simplified version easier to understand.
- Information about making a comment, compliment or complaint in relation to Adult Social Care is published on the council website at www.barnet.gov.uk/comments-and-complaints-adult-social-care
- Managers are asked to feature comments, compliments and complaints as a standing item in their team meetings and briefing sessions.
- Complaints reports are published on Open Barnet, the council's data portal.
- Compliments are shared with staff and promoted internally through the staff

newsletter, senior manager briefings and staff awards.

- Information about complaints and the learning from them is shared with the Management Team and with staff, to improve practice.

The council has commissioned Barnet Citizens' Advice Bureau as the local lead provider for specialist information, advice and advocacy support. This ensures that the Council has a dedicated support service in place for people who require access to independent information, advice and advocacy. Staff are trained in accordance with the Care Act 2014 and staff understand their statutory duties in relation to advocacy.

4. Overview

The following complaints and compliments were received by Adult Social Care from individuals, carers and/or their representatives during the period 1 April 2019 to 31 March 2020:

- 199 compliments
- 71 statutory complaints
- 1 corporate complaint
- 19 Local Government Ombudsman enquiries

Of the 71 statutory complaints, 62 resulted in an outcome, 9 were withdrawn. Of the 62:

- 30 (48%) were not upheld
- 16 (26%) were upheld
- 16 (26%) were partially upheld

The main themes of the complaints were:

- Decision – disagreement with the outcome of a needs assessment; or with the outcome of a financial assessment under the charging policy; or a decision made as a result of a statutory duty or national policy.
- Conduct – behaviour or communication of staff employed by external care providers or by the council.
- Quality - relates to the quality of service from care homes, home care agencies or care assessments.

Common improvement actions taken were:

- Staff – formal reflection and training
- Care Providers – working with a provider to improve working practices, policies and contract compliance
- Procedures – updates and amendments to procedures, or reiteration of procedures to staff

5. Compliments

Compliments are just as useful as complaints in helping to improve services. By having people tell the Council when things are done well, the Council can make sure that it builds on its strengths. It is also important to recognise the good work that is being delivered by the directorate.

199 written compliments were received in 2019/20, which is the highest number in the last four years.

The table below provides an overview of compliments by service area:

<i>Service Area</i>	2017-2018	2018-19	2019-20
Localities (Older People & Physical Disabilities)	11	29	42
Integrated Care Learning Disabilities	13	23	7
Care Quality	7	13	7
Assessment & Prevention	12	23	37
Hospitals & Health	-	9	14
Mental Health (Social Work)	-	-	2
Mental Health (Network)	-	42	80
Other Teams: Performance & Systems, Argenti	16	17	10
	59	156	199

In addition, the Network (the council's mental health enablement service) received 80 compliments via customer feedback/enablement group questionnaires relating to The Network's impact on the client's life and recovery. Feedback to The Network complimented the service's helpfulness, relevance to their needs and the effectiveness of staff.

Many individuals who compliment staff and teams provide verbal feedback directly to individuals via face to face conversations or by phone; we do not reflect these in the annual figures.

The compliments received in the period were varied and ranged from individual messages of gratitude to specific members of staff and thank you cards to whole teams for their work.



Examples of compliments received in 2019-2020

"I wish to offer on my family's behalf our sincere gratitude, appreciation and respect for the support and direction XXX has provided me and my elderly parents. XXX has been consistently empathetic, pro-active, supportive, has great social perceptiveness, self-awareness, coordination and cooperativeness" Compliment regarding a Direct Payments Advisor in the Financial Assessment Service

"I just wanted to express our most sincere gratitude for XXX's services. Her ongoing support has been immeasurable for us during this tough time. She has been such an important point of contact and is always available to offer guidance, support and more importantly action things with us. She's a compassionate and incredible lady whom we can't praise enough!" Compliment regarding a member of the Hospital Discharge Team

"I really want to commend XXX the social worker who assessed my parents today. She made my parents feel really comfortable and has been very attentive kind and supportive to their needs". Compliment regarding a member of the Urgent Response Team

"I had to write in to say how wonderful XXX has been in dealing with my family in relation to Mums care. XXX is so professional and demonstrates her skills in communication & negotiation so well. She acts in a sensitive & understanding manner in what are often painful circumstances. I must say how grateful my family are for XXX professionalism, empathy sensitivity and positivity" Compliment regarding a member of the Care Quality Team

"It has been a delight and a pleasure to have XXX guide me to a happy conclusion. She is professional, friendly, understanding and always replied to any contact I made with her. It was a pleasure to show XXX the fruits of her labours and to see how happy and contented YYY now is. I can't speak highly enough of XXX, and YYY and I will be forever grateful". Compliment regarding a member of the Localities Team.

"We are grateful beyond words for all the help and effort each and every one of you have individually put in helping YYY and us. If anything goes wrong, we can always rely on a bunch of decent, dedicated, kind-hearted and excellent professionals to help us put everything right". Compliment relating to the Learning Disabilities Service

"The group has given me so much confidence and hope for the future". Compliment relating to The Network

Benchmarking data

The following benchmarking data compares the number of compliments received in 2018-19 against a selection of our nearest statistical neighbours¹:

Borough	Compliments received	Per 100k population: ²
Barnet	114	38.1
Bexley	132	69.3

¹ Based on members of the group of nearest statistical neighbours identified by CIPFA

² Population data based on the 18+ population according to ONS mid-year estimates for 2018.

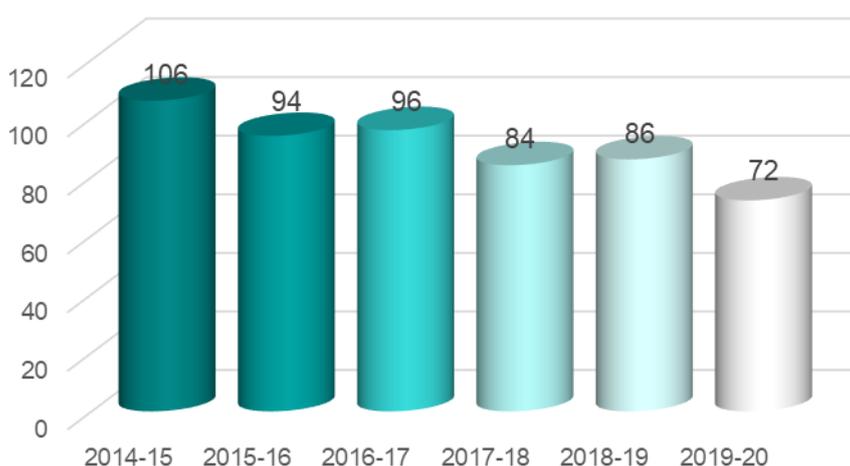
Brent	14	5.5
Bromley	No data published	-
Ealing	14	5.4

6. Complaints

6.1 Overview of performance

Over the preceding five years, the number of statutory complaints for ASC have steadily decreased, whilst the number of Corporate Complaints remains consistent with between 1-3 complaints a year. In 2019/20 complaint numbers fell by 16% compared to 2018-19.

Complaint figure comparison



To give our complaint figures some context, there were 6,217 new requests for services in 2019/20. Of these, 4,029 resulted from a hospital discharge. 4,903 people received a long-term service (3,516 in the community & 1,387 in residential/nursing services)

From 1 April 2019 to 31 March 2020, Adult Social Care received a total of 72 complaints of which 71 were statutory complaints and one corporate complaint. This equates to 1.47% of ASC service users or someone acting on their behalf, raising a complaint in 2019-20. This percentage reduces to 1.29% as a percentage of all contacts into the service.

6.2 Complaints received by category

The 71 statutory complaints were managed in line with the Statutory Social Care Complaints Procedure. One complaint was dealt with under the council's corporate complaints procedure. This was a financial complaint received from a company.

Of the 71 Statutory Complaints received:

- 50 were considered as straightforward complaints
- 12 were considered as serious and/or complex complaints
- 9 were withdrawn

Category	2018 - 2019	%	2019 - 2020	%
Statutory Straightforward (Low/Moderate risk)	71	83%	50	69%
Statutory Serious and/or Complex (High risk)	6	7%	12	17%
Withdrawn	6	7%	9	13%
Corporate	3	3%	1	1%
Total complaints	86	100%	72	100%

6.3 Statutory Complaint outcomes

Of the 62 complaints with an outcome:

- 30 were not upheld
- 16 were partially upheld
- 16 were upheld

6.4 Statutory Complaints by Service Area

The table below provides a breakdown of statutory complaints figures for complaints with an outcome:

Service Area	2018-19	2019-20	Number of complaints DOT	No. of cases upheld (2018-19)	No. of cases upheld (2019-20)	No. of cases partially upheld (2018-19)	No. of cases partially upheld (2019-20)
Localities (Older People & Physical Disabilities)	17	10	▲	0 (0%)	2 (20%)	4 (24%)	1 (10%)
Assessment & Prevention	11	5	▲	5 (45%)	1 (20%)	2 (18%)	2 (40%)
Integrated Learning Disabilities	12	17	▶	5 (42%)	5 (29%)	4 (33%)	6 (35%)
Mental Health	4	6	▶	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Customer Financial Affairs	8	4	▲	3 (38%)	1 (25%)	0 (0%)	2 (50%)
Integrated Care Quality	18	14	▲	10 (56%)	6 (43%)	1 (6%)	1 (7%)

Hospitals & Health Partnerships	4	6	▶	2 (50%)	1 (17%)	2 (50%)	4 (67%)
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In 2019-20 Adult Social Services saw a reduction in the number of Statutory complaints considered straightforward and a decrease in the number of corporate complaints received. 2019-20 also saw a reduction in the number of upheld cases in most service areas.

There has been a reduction in the number of complaints received into the Localities Team over the last two years. Of the complaints received all relate to needs assessments. Two cases related to delays, six to disagreement with the outcome of the assessment, and one concerned communication. None of the complaints regarding needs assessment disagreements were upheld.

The number of complaints received into the Assessment & Prevention Service decreased compared to last year. There has been a marked improvement relating to complaints pertaining to waiting times for assessments which was contributed to last year's figures.

Whilst complaints about the Learning Disabilities Service have increased, the number upheld has remained stable. In complaints received throughout the year. 41 % of complaints relate to needs assessment disagreements.

Mental Health complaints have increased this year, the nature of the complaints received are diverse but there have been no grounds to uphold, or partially uphold any in the period.

The reduction in complaints relating to Customer Financial Affairs, correspond to the drop in the number of assessment disagreements received. There were no complaints in 2019-20 concerning the conduct of staff.

Eleven of the complaints received into the Care Quality service regarded the quality of service received from care providers and care homes, which are passed to providers for initial investigation. If the outcome of their investigation is not satisfactory to the complainant or to the Care Quality Service, Adult Social Care may take further action.

There has been a slight increase in the number of complaints received about Hospitals and Health.

6.5 Complaints by category

The table below identifies complaints by subject and the investigation outcome

	Category	Upheld	Partially upheld	Not upheld	Total
Decision	Needs Assessment - Assessment disagreement (including unhappy with decision)	3	2	11	16
	Finance - Assessment disagreement (including unhappy with decision)	0	0	1	1
	Total	3	2	12	17
Conduct	Needs Assessment - Conduct of council employed staff (attitude/behaviour)	0	1	3	4
	Care Agency - Conduct of staff (attitude/behaviour)	1	0	0	1

	Care Home - Conduct of staff (attitude/behaviour)	0	1	2	3
	Staff behaviour – General	1	0	1	2
	Total	2	2	6	10
Quality	Care Agency - Quality of service	4	1	4	9
	Needs Assessment - Quality of service	0	1	0	1
	Care Home - Quality of service	0	1	2	3
	Hospitals - Quality of service	0	1	0	1
	Finance - Quality of service	0	1	0	1
	Total	4	5	6	15
Timeliness & Delays	Needs Assessment - Assessment delay (including delay in making a decision)	3	1	2	6
	Financial assessment/charging – Timeliness	1	0	0	1
	Total	4	1	2	7
Communication	Needs Assessment - communication	2	1	1	4
	Finance - communication	1	1	0	2
	Hospitals - communication	0	1	0	1
	Total	3	3	1	7
	Hospitals – Discharge Process	0	2	0	2
	Other	0	1	3	4
	Total	0	3	3	6

Decisions

The largest number of complaints received were due to dissatisfaction with a decision reached by the Council, for example: the outcome of a needs or financial assessment; disagreement in relation to a financial/charging decision; or policy decisions. 71% of these complaints were not upheld as the complaint results from a statutory duty in relation to financial charging or national care legislation, regulations or policy, where the council cannot influence the outcome.

Where complainants are unhappy with the outcome of an assessment, the council can offer a reassessment or take into consideration changes of circumstances where relevant. these types of changes contribute to a number of the upheld and partially upheld complaints.

Conduct & Quality

These complaints are in regard to services provided directly from Barnet or relate to the quality or conduct of staff employed by providers. The partially upheld complaints regarding Barnet's services were addressed through the Learning from Complaints procedure and through line management, with resulting changes to policy or procedure monitored by senior management.

All the fully upheld quality complaints received in 2019/20 related to issues concerning provider services. These problems were addressed through contract management procedures, with lessons learned fed into the work of the Care Quality team to shape the work it does with providers, thus improving the quality of provision across the social care market.

Delays & Timeliness

This category relates to the time taken to carry out an assessment or provide a service. Waiting times for assessments and financial reviews are the main cause of complaints relating to timeliness.

The Council always seeks to avoid delays in assessing or reviewing clients, but as social care is a demand led service this is not always possible. Adult Social Care targets resources to ensure the most urgent cases and people with the highest levels of need are prioritised. However, any delay may understandably still be dissatisfying for members of the public whose assessments have not been prioritised.

Communication

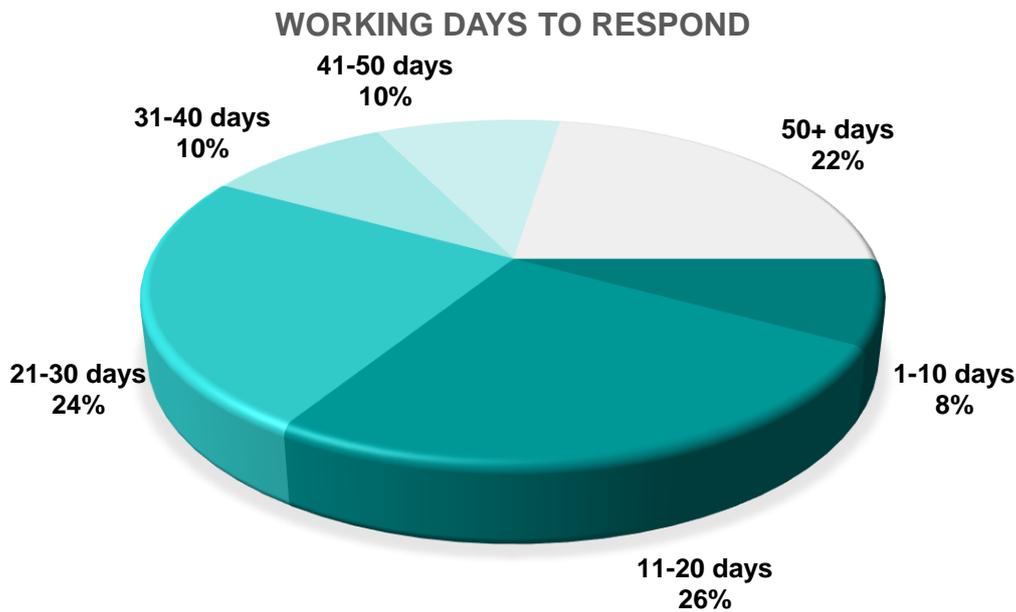
In 2018-19 the majority of complaints received that fell into the category of lack of communication, regarded the handover of cases to a new worker; or from a handover required due to sickness absence. New procedures implemented in 2019-20 have eliminated this as a cause of complaint.

In 2019-20 communication complaints indicate that a small number of residents experienced difficulties: contacting Social Workers when the Council was experiencing infrastructure issues; and clarifying what Direct Payments can be used for and the respite procedure.

6.6 Timeliness of responses to statutory complaints within the internal 20 working day target

It is important to note that the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 Statutory Complaints guidance allows six months (commencing on the day on which the complaint was received, or such longer period allowed if agreed by all concerned) for the resolution of Social Care statutory complaints. Adult Social Care are committed to help resolve as many complaints as speedily and efficiently as possible and have set internal targets of 20 working days for straightforward complaints and 25 working days for more complex or serious complaints.

It is also important to note, that statutory complaints are managed through a single stage process, if the complainant is not satisfied with the initial response to their complaint, they have the opportunity to request further information or a further investigation which may prolong the overall outcome of a complaint.



The complaints process is intended to be resolution focused and offer complainants the option of discussing their concerns in face-to-face meetings, family meetings and mediation where appropriate

50% of cases in the 50+ range, were complex investigations where the depth of the investigation and the time needed to investigate were proportionate to the seriousness of the complaint; examples include where legal advice on a case was required, changes in circumstances/ongoing developments impacting an investigation, or where the organisation of face to face meetings delayed response times. The other 50% required a joint investigation with either independent care providers or the NHS.

These complaints require a multi-agency approach. This can have a detrimental impact on the Service's performance against its internal response target as the co-ordination of responses means that the Council may be obliged to work to the Statutory Social Care and National Health Service timescales, which allows a six-month timeframe for complaints to be investigated and responded to.

Complaints about providers being received through the complaints process, must be either signposted to the provider's internal complaints process or managed through our internal procedures on behalf of the complainant. We do ask partner organisations to work within our timeframes, however this is a request and is not enforceable.

A small number of complaints were also impacted by the COVID pandemic.

Adult Social Care Statutory Complaints – Benchmarking

The following benchmarking data has been collected to compare the number of statutory complaints received against figures for a selection of our nearest statistical neighbours.

Borough	Statutory complaints received	Per 100k population:
Barnet	71	23.7
Bexley	15	7.9
Brent	101	39.9
Bromley	142	55.5
Ealing	72	27.7

7. Learning from Complaints

Learning from our complaints provides an opportunity to gain wider learning, to ensure opportunities for improvement are realised and that issues can be prevented, where possible, before they occur.

Upheld and partially upheld complaints are presented regularly for discussion and challenge at a senior operational board tasked with improving the quality of social care practice.

In some cases, outcomes to complaints are case specific and there are no general learning points that would influence policy or procedure. Individual issues and staff/team specific learning is addressed through training, reflection, supervision and team meetings.

The table below categorises the learning themes and the percentage of all lessons learnt that fell into the category. The table identifies the types of actions that the Adult Social Care management team takes to try and mitigate any further complaints of a similar nature.

Theme	% of lessons identified	Action
People Issues relating to the behaviour or communication of a member of staff	19%	<ul style="list-style-type: none"> Formal reflection Training Staff reminder
Policy Review or amendment of a formal policy to reflect the need for change	11%	<ul style="list-style-type: none"> Review Audit Amend policy
Systems Preventative updates /amendments to system/s, staff training on systems or	19%	<ul style="list-style-type: none"> Amend system Change working practice

applications		
Procedure Changes to current procedures and working practice as a preventative measure	22%	<ul style="list-style-type: none"> • Change working practice • Amend procedure
Provider Work with a provider to review working practices, procedures, policies and contract compliance	30%	<ul style="list-style-type: none"> • Report findings to provider • Review contract • Monitoring of improvement plan • Suspension of new placements/care with provider

Examples of some of the learning from our complaint investigations:

Lesson Identified	Outcome
Family member of service user was unclear on decision following meeting/discussions with professional	Staff reminder that written confirmation should be provided following verbal discussions
Review of internal referral procedure required to minimise the risk of delays for future clients	Introduction of Disabled Facilities Grant Panel to monitoring timeliness and prioritisation
Review required improvements to care agencies daily monitoring and call logs	Provider implemented the Councils preferred electronic call monitoring system

8. Local Government & Social Care Ombudsman

The Local Government and Social Care Ombudsman (LGSCO) is an external body that looks at complaints relating to councils and Adult Social Care providers. The LGSCO investigates matters where there is an alleged or apparent maladministration or service failure.

8.1 Complaints and enquiries dealt with by the LGSCO 2019-2020

A complainant has the right to raise a complaint with the Local Government Ombudsman at any time. However, the Ombudsman will usually refer a complaint back to the council, if it has not previously been considered under the council's procedures. Such complaints are described as premature.

The table below shows the total number of new LGSCO enquiries received by Adult Social Care, for the period 1 April 2019 to 31 March 2020 and provides a comparison to previous years:

	2016-2017	2017-2018	2018-2019	2019-2020
Enquiries/Complaints	22	18	20	19

19 enquiries were received:

- 10 premature enquiries were signposted back for local resolution.
- 5 complaints were upheld.
- 1 complaint was not upheld.
- 3 cases are pending a decision.

In 100% of cases the Ombudsman were satisfied that Adult Social Care had successfully implemented their recommendations.

The relatively low number of complaints that were upheld indicate that good complaint investigation and practice is taking place.

8.2 LGSCO Benchmarking

Borough	Enquiries/Complaints 2018-19	Per 100k population:
Barnet	20	6.7
Bexley	3	1.6
Brent	31	12.3
Bromley	15	5.9
Ealing	8	3.1

9. Responding to complaints and concerns about quality relating to external service providers

Adult Social Care requires all external providers of care and support services to operate a complaints procedure. For services regulated by the Care Quality Commission under the Care Standards Act 2000 (Homecare, Residential Care and Supported Living), this is a statutory requirement. For services that are not regulated, there is no statutory requirement, but all new contracts for services commissioned by the council include a requirement to have a complaints procedure. This is also examined during the procurement

process.

Where a person who used social care services or their representatives raises a concern about the quality of an external provider with the council, the Care Quality Service logs the matter and passes it to the provider to investigate, in line with their complaints procedure. If the outcome of their investigation is not satisfactory to the complainant or to the Care Quality Service, Adult Social Care may take further action, through the complaints process if this is the most appropriate route.

The Service takes complaints about providers very seriously, both to ensure individuals and their carers receive high quality services and to learn lessons and make improvements more widely where necessary.

If it is found that a provider regulated by the Care Quality Commission (CQC) does not meet the CQC's fundamental standards, the Service will inform the CQC, acting first and foremost to ensure the safety of individuals and, once this is established, working with the provider to improve their standards.

Monitoring Care Quality

The quality of care and support services is monitored by the Care Quality Service through a range of contract compliance mechanisms. These include:

- Quality Assurance visits, which include a review of complaints management by the provider.
- Quality alerts, which are written / telephone / electronic communications alerting us to a shortcoming in the delivery of a service.
- Working with the Care Quality Commission as appropriate when services do not meet the fundamental standards below which the provision of regulated activities must never fall.
- Responding to any other events, including safeguarding incidents which indicate that the provider is not fully complying with contractual requirements.

The table below provides a breakdown of concerns about quality that were passed to providers to investigate

	2016 – 2017	2017-2018	2018-19	2019-20
Complaints and quality alerts	123	94	85	73

In this financial year we provided more than 6000 home care packages and as at the end of the financial year (31st March 2020) we have 1400 clients receiving on an average of 20,000 hours of care per week. For the same time period we received 73 complaints of care quality for in full year which is around 1.2% of the total homecare service provision. Issues about non-delivery of service and quality of service provided by homecare agencies accounted for most of complaints and quality alerts managed by providers, and complaints about providers managed by Adult Social Care, in 2019-20.

Improving Care Quality

The Care Quality Service works with care homes, extra care housing, homecare, supported living and day care. The team includes staff from a range of different disciplines, including social work professionals, registered managers and qualified nurses to work with providers in partnership to deliver high quality services.

The team delivers a range of practice sharing and training events including:

- Practice Forums (supported by Skills for Care).
- Peer Support Network groups for Registered Managers including Learning Disabilities, Mental Health, Older Adults and Nursing homes, Extra Care Housing, Homecare, Supported Living.
- Specialist worker support groups e.g. Activity Coordinators cross borough group.
- In-reach staff development Workshops for care home staff on subjects such as MCA, dementia, oral healthcare and positive mealtime experiences.
- Specialist workshops run in conjunction with other professionals, for example CCG, North London Hospice Safeguarding month and Mental Capacity month events.

The reduction in complaints and alerts highlights the positive work carried out with providers by these services. Through the provision of training, monitoring, support and engagement strong working relationships have been formed. This approach facilitates providers in raising concerns with us, and to seek guidance/support before they become an issue or complaint.

An example of the positive impact of this level of engagement is that currently all contracted homecare providers in Barnet have a CQC inspection rating of 'Good' or above, and for Care Homes over 80% are Good or outstanding.