

Adult Social Care

Complaints

Annual Report
2022-23



Contents

Introduction	2
Complaints: A Definition	3
Complaints Figures and Statistical Analysis 2022/23	3
Introduction	3
Compliance with Timescales	5
Complaints Received by Complainant Type	5
Complaints from Service Users	5
Multiple Complaints	6
Complaints Received by Team	6
Types/ Causes of Complaints	8
Emerging Areas of Concern	9
Complaints Findings/ Outcomes	10
Complaints Progressed Beyond Local Resolution	11
Comparison with Neighbouring Local Authorities	12
Complaint Actions to be Taken Forward to 2022/23	13
Examples of Compliments Received During 2021/2022	13
Conclusion	14

Annual Complaints Report 2022/23

Introduction

The purpose of this report is to provide an overview of the complaints which have been received by West Berkshire Council's Adult Social Care Service (ASC) during the financial year 2022/23.

The majority of complaints processed by ASC within West Berkshire are undertaken using the framework set out within the West Berkshire Adult Social Care Complaints Process. This is currently a two stage process as set out in 'West Berkshire Complaints Procedure – Adult Social Care (Nov 2010), however this is currently under review and due for revision.

Informal Resolution: Complaints that are logged with a service (such as a Care Home or within a locality team) are resolved informally at a local level. These complaints are not logged formally with the Complaints Manager and therefore are not included in the annual complaints return.

Stage 1: Formal Investigation: Complaints are formally investigated by an appropriate manager within the agreed timescale. Following this, if the complainant remains dissatisfied with the response, a Complaints Meeting can be offered.

Stage 2: Escalated Investigation – investigation usually carried out at Service Manager or Service Director (if required) level.

In addition to this, a small number of complaints are processed using the Corporate Complaints framework. This process is used when the concerns being complained about relate to issues outside of ASC itself, such as the process used to invoice for care. These complaints are not included in the figures being analysed in this report, despite having come into the service in the first instance.

West Berkshire Council (WBC) believe that maintaining effective working relationships with service users and (where applicable) their families throughout their involvement with ASC is an important part of achieving the best outcomes for our service users and have continued to adopt a Restorative Practice approach to complaints where possible.

Where it has not been possible to resolve a dispute using the ASC Complaints Process, the complainant will be directed to the Local Government and Social Care Ombudsman (LGSCO).

Should it become apparent that a service user or family member, is repeatedly raising the same or similar concerns with the Council or other bodies and that this is having a negative impact on carrying out any on-going work, but they have not officially raised a complaint, the Complaints Manager has the discretion to enter these concerns into the complaints process to help achieve a resolution. In these circumstances, the concerns do not have to have been presented to the Council as a complaint.

Occasionally the Council may deem that it is necessary to implement the Persistent and Unreasonable Complainants Process.

This process can be used;

- Where a complaint has been responded to fully and a complainant continues to raise the same or similar issues.
- Where the frequency and/or length of complaints from an individual is preventing the day-to-day working of the ASC teams. In these circumstances the Council can introduce a Single Point of Contact (SPOC) arrangement and /or can specify the frequency and method of contact with a particular team or the Council as a whole.

The full details of the Persistent and Unreasonable Complainants process can be found on the Council's website.

A copy of the Annual Complaints Report is published on the Council's website each year.

Complaints: A Definition

A complaint is described as an expression of dissatisfaction with the service the Council has provided. Feedback from users is important to the Council as it provides not only an opportunity to identify why people have found our services unsatisfactory, but also a means of identifying how the services being provided can be improved.

Any adult receiving care from WBC is entitled to use the complaints process. We also accept complaints from their family or representatives who support them. In this instance we would require consent from the service user to pursue the complaint unless there is already existing authority for their representative to act on their behalf. Every person who makes use of the complaints procedure is advised of their right to assistance from an independent advocate and is given information about how to access the advocacy service if they wish to do so.

Complaints may be received via any employee or office at any level of WBC and are then directed to the relevant department depending on the nature of the complaint.

Complaints Figures and Statistical Analysis 2022/23

Introduction

During the financial year 2022/23 **45** complaints were received by ASC Services. This comprises of **44** complaints made against WBC and also against providers (where the package of care is funded by the Council) and **1** complaint made about the conduct of a service (but not in relation to a specific service user).

We note this figure represents a slight increase in the number of complaints received by ASC during 2021/22 when **39** complaints were received. 45 complaints represents an increase of 15% compared to the number of complaints received during the

previous year. This figure is however not alarming and generally appears to be following the trends of complaints in other neighbouring authorities that are represented at the Southern Regional Complaints Managers Group. Colleagues in this group have reported that, whilst complaint levels have not yet recovered to pre-pandemic levels, they are steadily increasing. It would seem that, in comparison, the level of complaints received in WBC are currently at the lower end of that of other local authorities in our area. For example the Isle of Wight Local Authority received 56 ASC complaints during 2022/23. Based on last year's low figures which remain, on the whole, consistent with this year we can conclude that this is yet another positive reflection upon ASC services provided in West Berkshire.

As we saw last year, the complaints we have received during 2022/23 have taken longer to resolve than in previous years. We have however seen a very positive reduction in the number of cases that progressed to the LGSCO for a decision which suggests that, on the whole, the complaints process within WBC is working effectively and service users and their families feel that we resolve complaints fairly and thoroughly.

Table 1:

Year	Total number people in receipt of long-term ASC service	Total number of Complaints	Complaints per 100 Service Users
2018/19	2114	146	6.9
2019/20	2161	82	3.8
2020/21	2222	41	1.8
2021/22	2252	39	1.7
2022/23	2335	45	1.9

Table 1 illustrates the number of complaints received in relation to the number of adults in receipt of a long-term service per year.

Table 2:

Quarter	Complaints by Quarter				Total
	Q1	Q2	Q3	Q4	
Volume	2	13	14	16	45

Table 2 illustrates an analysis of the complaints received by quarter which show an even spread of complaints received throughout the year apart from a significant drop during Q1. The cause of the drop has not been identified.

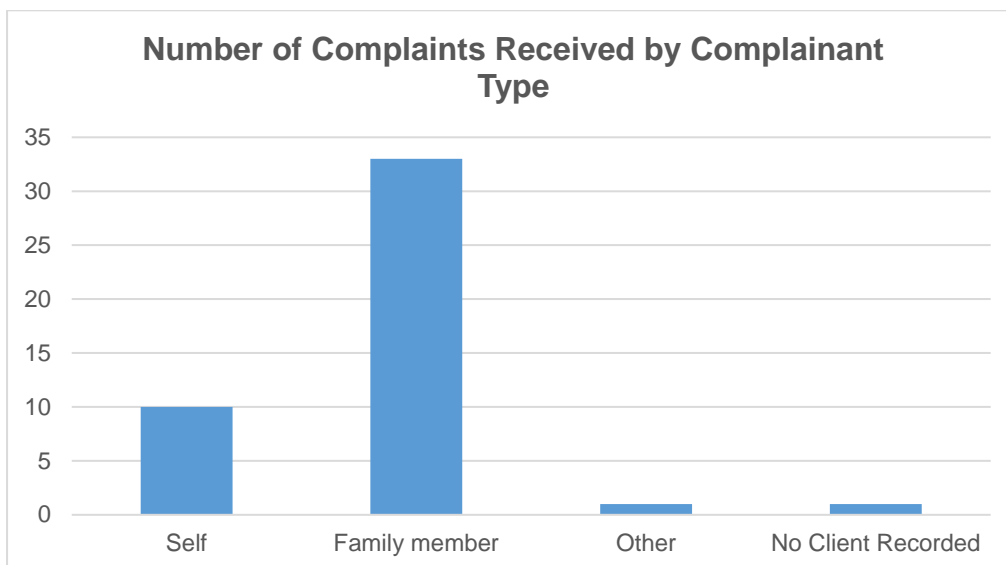
Compliance with Timescales

The national timescales set out for ASC complaints are used to measure compliance for all complaints arising within ASC Services.

Overall compliance with time scales has been positive during 2022/23 with **98%** of all complaints being responded to in the first instance within the allowable 20 working days. The one complaint response that was out of the allowable 20 day response time was due to the external investigator being ill in hospital. As in all cases where a delay in responding cannot be avoided, the service user was informed of the cause of the delay and an extension agreed.

Complaints Received by Complainant Type

- Following exactly the same pattern as last year, the majority of the complaints received by ASC Services were made on behalf of the service user by other family members (74%). This remains exactly consistent with last year (74% also being recorded in 2021/22).
- 22% of the complaints were made by the service user themselves. Of these, none used or required the services of a professional advocate. This figure is positive as it reflects an increase on last year's reported figures (13% in 2021/22).
- 2% of complaints were made by others.
- 2% of the complaints were made against a service by a member of the public but not in relation to the experience of a specific service user.



Complaints from Service Users

Enabling complaints from service users continues to be an important mechanism for ensuring the experience of the people who use our services informs our service design and delivery. Complaints from service users themselves help us to ensure that the concerns of individual people are more visible, which will in turn help to promote opportunities for learning and improving services.

Improving the number of complaints received by service users directly is an area that we highlighted for action in both 2019/20 and in 2021/22. This year we have seen a slight rise of 9% in the number of people who have made a complaint on their own behalf which is a positive indicator for the year.

5 complaints were received from service users during 2021/22. In 2022/23 this figure has risen to 10. This equates to 22% of the complaints received during this reporting period and proportionally, in comparison to last year's number of complaints made by service users (14%), this is not a significant increase.

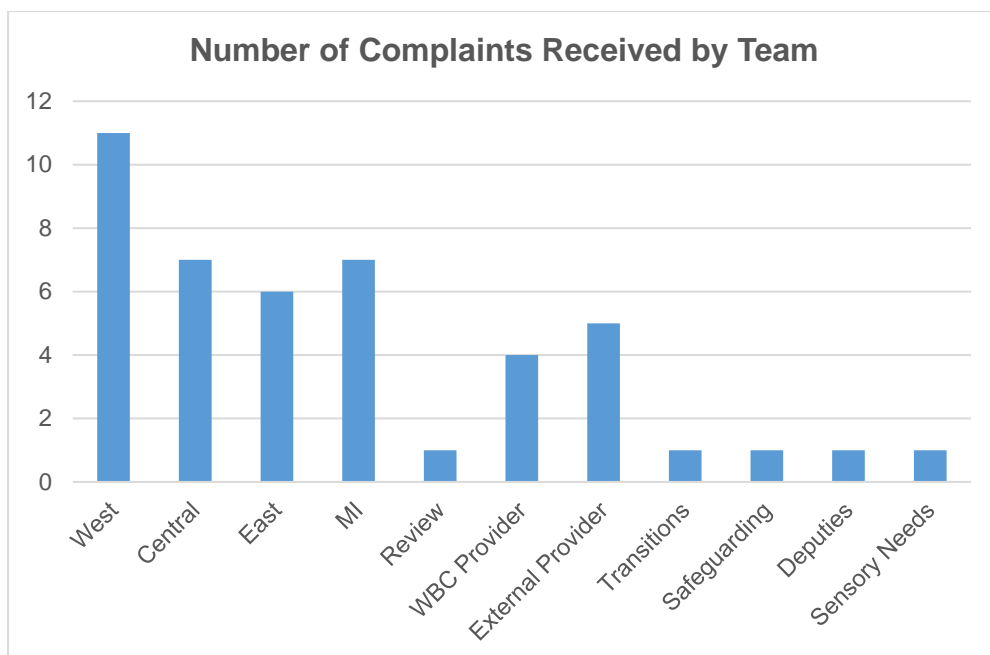
The figures for 2022/23 continue to highlight that the majority of complaints (33 – or 73%) received by ASC continue to come from other family members who are acting on behalf of the service user. Of these, 8 (24%) were made after the service user had sadly passed away. Of the remaining 25 complaints, 22 were in relation to older people and the complaints were, in the majority of instances, made by the son/daughter or spouse of the service user (son/daughter -12, spouse – 9). The remaining 3 complaints were made by another family member or a friend.

Multiple Complaints

By examining the specific detail relating to who has made complaints during 2022/23 the occurrence of multiple complaints made by a single person has remained the same as 2021/22. In such cases, where the nature of the complaint is the same or similar each time the Council has considered whether The Persistent and Unreasonable Complainants Process should be implemented.

Complaints Received by Team

Of the **45** complaints made (including one that that was not linked to an individual service user), the allocation of complaint by service is as follows:



Data

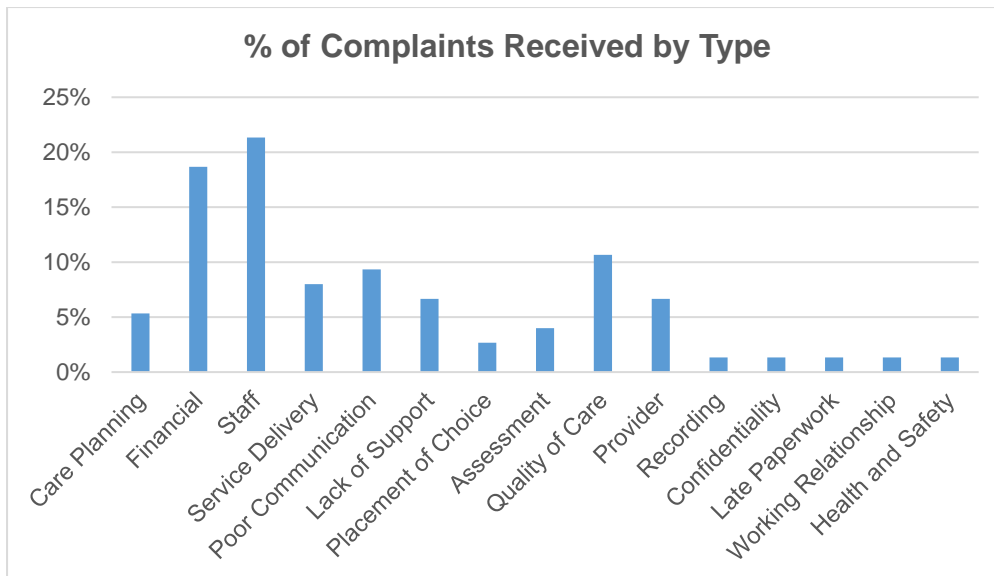
Team	Volume	%
West Locality	11	24%
Central Locality	7	16%
East Locality	6	13%
MI (Hospital Discharge Team)	7	16%
Review Team	1	2%
WBC Provider Service	4	9%
External Provider Service	5	11%
Transitions Team	1	2%
Safeguarding Team	1	2%
Deputyship Team	1	2%
Sensory Needs Team	1	2%
Total	45	100%

As with previous reports West locality are seen to have the most complaints. It is, however, fair to note they have a slightly larger number of service users in their area than the other locality teams. However, generally the complaints this year are spread evenly across all of the locality teams. The Review Team, Transitions, Safeguarding and Deputyship Teams have each received only one complaint. Complaints against WBC provider services and external providers are also evenly balanced (however it should be noted that 3 of the 4 complaints against our internal providers reflect the same complaint about charging increases).

Types/ Causes of Complaints

NB: A complaint can be complex in its nature sometimes comprising of multiple issues and there may not always be only a single cause. Therefore, it should be noted the number of complaint types recorded will exceed the total number of complaints received.

The table below is included in order to provide information about the areas of ASC that have been complained about during 2022/23.



Data

Nature of Complaint	Volume	%
Care Planning	4	5%
Financial	14	19%
Staff	16	21%
Service Delivery	6	8%
Poor Communication	7	9%
Lack of Support	5	7%
Placement of Choice	2	3%
Assessment	3	4%
Quality of Care	8	11%
Provider	5	7%
Recording	1	1%
Confidentiality	1	1%
Late Paperwork	1	1%
Working Relationship	1	1%
Health and Safety	1	1%
Total	75	100%

- The two dominant nature of complaints relate to staff and finances. Of the 45 complaints made in 2022/23 two thirds relate to these two categories.
- The most common reason for making a complaint during 2022/23 was regarding the conduct of staff. This has changed from last year when the highest volume of complaints made were in relation to service delivery. 21% of the complaints made have staff/ staff attitude as their main component. Complaints made relative to this complaint type typically relate to individual staff members when people feel that they have not been treated with courtesy or professionalism, but can also be influenced by people objecting to the outcome of the work by a particular staff member. These complaints can relate to both Council staff and staff from external providers commissioned by the Council. Analysis of the outcome of complaint investigations that include staff/staff attitude as one of their components demonstrate that the majority of these complaints are made against an individual staff member when the complainant is unhappy with the outcome of a piece of work. Of these, 53% of complaints were not upheld with a further 27% being partially upheld. Examples of these are around the following (often contentious) areas:

Charging
 Placement of Choice
 Safeguarding

- The second highest reason for making a complaint in 2022/23 relates to charging. The majority of these complaints have been made by people who feel that they have been unfairly charged for services that they haven't received, whilst the remainder relate to residential fee increases resulting from higher rates of inflation. Given the continuing financial pressures we are anticipating an increasing number of people making complaints relating to finances as we move into the 2023/24 reporting period. Out of the total number of complaints received this year (45), 31% therefore include a financial element. This represents a significant rise compared to last year's figures when complaints containing a financial element only made up 3% of the total number of complaints received.

Emerging Areas of Concern

Whilst these must be taken in the context of a small overall number of complaints the following can be identified of potential areas of concern:

- Complaints about staff continue to be an area for concern, however these do need to be looked at in the context described above.
- Complaints relating to finances have seen the highest increase this year in relation to last year. This in itself is of no great surprise and we expect to see this theme to continue to rise during next year as the cost of living crisis continues.

Complaints Relating to Providers

In 2022/23 the number of complaints relating to providers was low, and showed a slight decrease in comparison to the previous years reported figure.

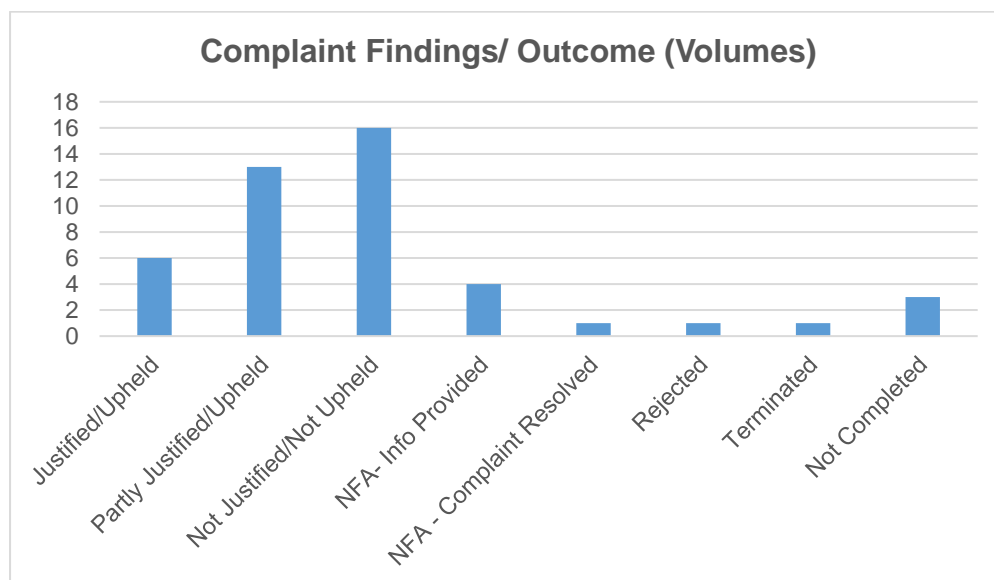
A total of 9 complaints were made that related to providers, which equates to 20% of the overall number of complaints made and represents a slight decrease in relation to the 2021/22 reporting year (when 11 complaints were received in relation to providers).

Of the 9 complaints about providers made, the Council were made aware of only 5 complaints against external providers which were all made in relation to domiciliary care services.

It is however likely that external providers receive additional complaints directly and that the Council are not notified. 4 of the complaints made in relation to providers concerned the Council's in-house services. This is the same number as last year, however the percentage appears lower (9%) because the overall number of complaints received is slightly higher this year. Only one of those complaints concerned quality of care received. The remaining three complaints were in relation to increased charges and all remain unresolved at the time of writing this report.

Complaints Findings/ Outcomes

In summary (based on 45 complaints received during 2022/23):



Data

Outcome of Complaint	Volume	%
Justified/Upheld	6	13%
Partly Justified/Upheld	13	29%
Not Justified/Not Upheld	16	36%
NFA- Info Provided	4	9%
NFA - Complaint Resolved	1	2%
Rejected	1	2%
Terminated	1	2%
Not Completed	3	7%
Total	45	100%

In summary, for the 2022/23 reporting period:

- **13%** of the complaints received were upheld (13% upheld in 2021/22)
- **36%** of the complaints received were not upheld (38% not upheld in 2021/22).
- **29%** of complaints were partially upheld (15% partially upheld in 2021/22).

Whilst the number of complaints upheld remains the same as last year there has been an increase in those partially upheld in comparison to the previous year. There has been a very slight reduction in the number of complaints that were not upheld in comparison to 2021/22.

Of the remaining complaints:

- In **2%** of cases the complaints were refused (as the person complaining was not a representative of the service user).
- In **2%** of cases the complaint was terminated at the request of the complainant.
- In **11%** of cases the complaint was concluded at the initial stage and the complaint did not progress any further. This outcome has been recorded because the complainant was provided with either further information or an explanation in relation to why something had happened and the formal complaint was therefore concluded at this stage (NFA – information provided and NFA – complaint resolved).
- In **7%** of cases the complaint remains incomplete at the time of writing this report.

Complaints Progressed Beyond Local Resolution

Where it has not been possible to resolve a complaint via restorative practice or via the Council's complaints process, complainants may choose to approach an external regulatory body; The Local Government and Social Care Ombudsman (LGSCO). The LGSCO will determine if the complaint that is presented to them meets their criteria for investigation.

Of the complaints made in 2022/23 only 1 progressed to the LGSCO during the year. This complaint was not investigated by the LGSCO as they felt that, after reading the information supplied by the Council, that they were unlikely to find fault.

Whilst 2022/23 has been a very positive year for the Council in relation to LGSCO referrals, it must be noted that at least two complainants have indicated that they will progress their complaints, although at the time of writing this report we have not been notified of this by the LGSCO themselves.

Comparison with Neighbouring Local Authorities

Looking at complaints trends in neighbouring local authorities that are represented at the Southern Regional Complaint Managers Group, WBC now appears to be following the general trend in ASC complaints, whereas last year we referenced that we were not following the trend for increasing numbers of complaints since Covid19 figures within the region.

The 2022/2023 complaints figures received from neighbouring authorities include:

BCP (Bournemouth, Christchurch and Poole): 196 ASC complaints. 14 complaints referred to the LGSCO with a population size of 400,300 as at 2021 census.

Bracknell Forest Council received 39 ASC complaints. 6 complaints were referred to the LGSCO with a population size of 124,600 as at 2021 census.

BHCC (Brighton and Hove) received 65 ASC complaints with a population size of 277,200 as at 2021 census.

IOW (Isle of Wight): 56 ASC complaints. 9 complaints were referred to the LGSCO with a population size of 140,400 as at 2021 census.

For context WBC has a population of 161,400 as at 2021 census.

Whilst each of the above authorities may record the number of ASC users in different ways to WBC, each can confirm however that the general trend for the number of ASC complaints received in 2022/23 has not yet returned to pre-Covid figures, and this is reflected in the WBC results.

WBC ASC complaints also reflect this (in 2019/20 WBC recorded 82 complaints).

WBC appears to have had a very positive year in comparison to neighbouring authorities in relation to LGSCO referrals (even if we take the potential referrals into account).

In comparison to our neighbouring authorities we can conclude that WBC has yet again had an overall positive year in relation to complaints about ASC.

We must take into account the fact that we successfully manage a significant number of complaints informally and that these are therefore not recorded nor translate into formal complaints. It is possible that other Local Authorities deal with informal complaints differently and record them all regardless of whether they progress or not.

Another possibility that must be considered, however, is that people are not complaining about ASC services in West Berkshire because they are, on the whole, satisfied with them.

Complaint Actions to be Taken Forward to 2022/23

- Review of Complaints Procedure.

Examples of Compliments Received During 2022/2023

The number of compliments received by ASC services far outweighs the number of complaints. In 2022/23 WBC ASC received a total of 153 recorded compliments in relation to both services and individual practitioners. Of these, 15 were in relation to our provider services. Service users and their families gave positive feedback to many different teams including our Deputyship Team and our Financial Charging and Assessment Team along with each of the locality and specialist teams. Some examples of the types of compliments we have received are listed below:

'I wanted to say a big thank you for all your help yesterday, you have been so supportive to us as a family, I do not know what we would have done without you.'

'I wanted to thank you personally for being almost the only friendly, reassuring voice during those weeks following the decision for him to move to long-term care, including the run-up to Christmas and New Year, plus delays because of Covid. I'm not usually an anxious person, but that period of time was very stressful for me, notwithstanding my hip operation, and you really helped me to feel that things would sort themselves out.'

'One last thing, we feel that you actually listen to us and that is very important to whoever your working with.'

'I wanted to thank you for all your hard work in relocating my mother to (Care Home). You were so very helpful and looked into the matter straight away. I greatly appreciated your patience and cooperative manner. You handled the difficult matter with care and attention and your perseverance was essential in bringing the desired outcome. I cannot express my gratitude and the benefit this will bring to my mother.'

Conclusion

Based on the complaints figures during 2022/23, WBC is reporting only a 15% increase in the number of complaints received about ASC services in comparison to 2021/2022. This is not concerning as the figures remain very low, and reflect the lower end of the general trend in our neighbouring authorities. In addition the 2021/22 figures were exceptionally low so an increase in this year's figures had been expected. The figures for this year appear to be a positive reflection upon the ASC services in West Berkshire.

2022/23 has also been an exceptionally positive year for referrals to the LGSCO.

The Complaints Team continue to offer both virtual and face to face meetings in order to offer complainants flexibility about how their complaints are managed.

ASC continues to receive a large volume of compliments from our service users and their families praising both the efforts of our staff and the services that we provide to support the people of West Berkshire.

Despite the low number of complaints and higher number of compliments, WBC is not complacent and continues to strive to offer the best possible service to our clients and their families in spite of challenging environmental and societal factors that have existed and continue to exist.