

















Complaints Annual Report 2022-23 Adults Social Care





1. INTRODUCTION

Bradford Council is required under statutory regulations to report annually on Adult Social Care complaints.

This report provides information covering the period 1st April 2022 to 31st March 2023 and includes complaints and customer feedback received by the Council in relation to Adult Social Care. The Council recognises that customer feedback and information relating to the performance of complaints handling provides a good indication of the overall performance of individual services and departments as well as the overall organisation.

2. PERFORMANCE SUMMARY

	2020/21	2021/22	2022-23
Total number of complaints received	227	160 	123 
No. resolved at Pre- complaints stage	96	25 	19 
No of formal complaints closed in year	144	137 	151 
% of formal complaints about ;-			
• Service provision	65%	47% 	49% 
• Staff	18%	19% 	11% 
% Responded to in *agreed timescale (*statutory or policy)			
• Pre-complaint (*policy)	27%	63% 	63% 
• Formal complaint (*statutory)	55%	55% 	54% 
% Complaints uphold rate (includes partially upheld)	29%	58% 	33% 

Complaints received by the LGCSO in year	9	20 	14 
LGCSO investigation uphold rate	75%	40% 	14% 

3. COMPLAINTS

3.1 Complaints Received

123 complaints were received by the Council, in relation to Adult Social Care, during the financial year 2022-23 compared to the 160 received in 2021-22. This has decreased slightly but remains on a par with the previous year. This is in direct contrast to the large number of complaints received in 2020-21 which stood at 227. This is reflective of the Covid pandemic which will also have an impact on the number of complaints received in the early part of 2021-22.

In 2022-23, 6,127 people received a service from Adult Social Care. The number of complaints received indicates that 2% of service users or someone acting on their behalf raised a complaint about a service that they received.

3.2 Pre-complaints

In the interests of efficiency and where appropriate, the Corporate Complaints Team (CCT) will attempt to resolve complaints promptly which then avoids some concerns and issues proceeding to a formal stage 1 complaint.

Where it is envisaged that a complaint could be resolved to the complainant's satisfaction within 5 working days the CCT will liaise with the relevant service area to advise on how the matter may be concluded. This may involve a meeting or discussion with the service user to agree a solution to their concerns resulting in an informal resolution. If the complainant subsequently agrees that the matter is resolved, then this is recorded as a "pre-complaint".

There were 19 pre-complaints resolved through this process in 2022-23. This is lower than the previous year, however, we acknowledge that the number of pre-complaints dealt with by Adults Social Care services maybe significantly higher than the ones recorded by CCT as we appreciate that many concerns are received and resolved directly by the service within the informal resolution process which is deemed as "business as usual" by the service. It is unrealistic to capture all of these instances as many concerns are raised and resolved by front line services within their normal working day.

3.3 Complaints closed

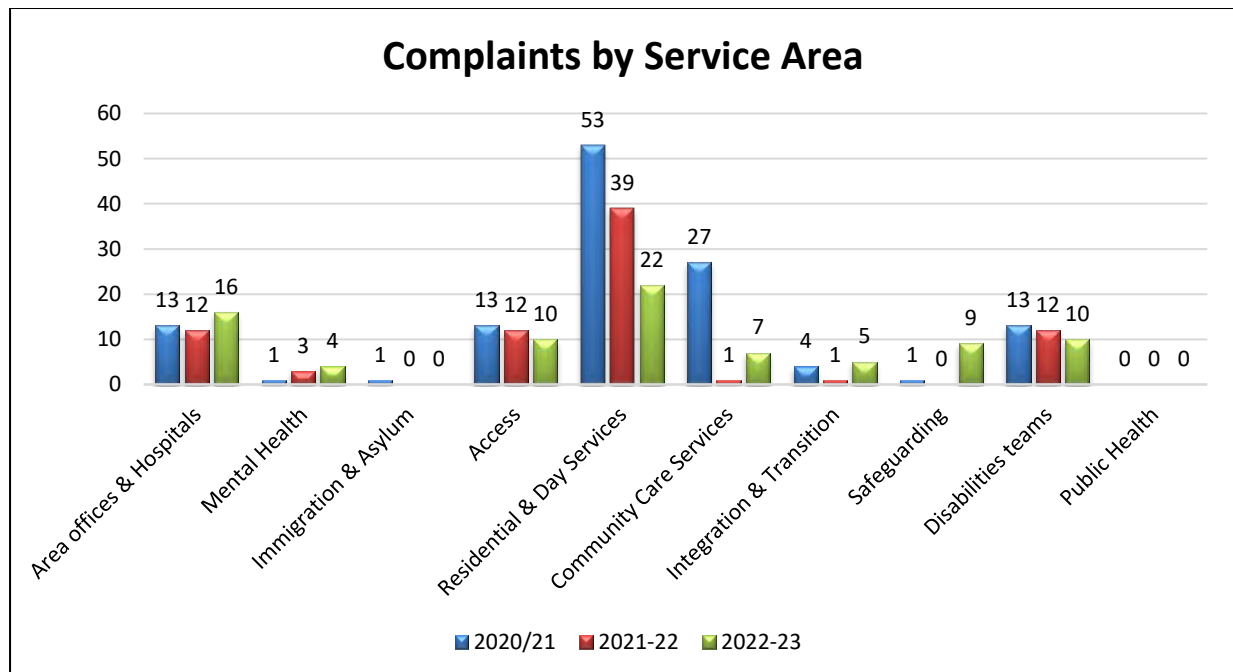
Whilst the number of complaints received has decreased, it is pleasing to report that the number of complaints that have been closed has increased. As some complaints

remain open at the year-end and are then subsequently closed in the following year, the number closed can be disproportionate to the number received. As such this is not unusual to see.

4. COMPLAINT THEMES

Complaints can be broken down into both service area and common themes. This provides valuable information when planning service improvement.

Graph 1 below shows the breakdown by service area with a comparison to the last 2 years.



**When a complaint relates to more than one team it shows against each of the teams.*

The service areas with the largest amount of complaints remains Residential and Day Services. This includes commissioned services from external providers.

Where a service has been commissioned by the Council, the complainant is advised in the first instance to approach the provider to attempt to resolve the issue. If this is unsuccessful the complainant then has the right to raise the complaint with the Council, as the commissioner of the service. The Local Government and Social Care Ombudsman, has advised through annual reports that it will hold commissioners accountable for the commissioned service providers' failings and that it is the commissioner (i.e. the Council) who will also be held accountable to remedy any identified failings.

In 2022-23 the Council received a total of 23 complaints in relation to providers of commissioned services, which amounts to 19% of all complaints received.

Issues raised within formal complaints

The **table (1)** below shows issues raised by type and the common themes

Stage 1 Complaints breakdown of common issues	2022-23	2021-22
Reporting issues	52	35
Assessments	18	7
Communication	16	25
Staff conduct / attitude	13	47
Failure to provide a service and/or the quality of service provided	17	209
Concerns ie neglect	6	2
Inaccurate decision making	5	7

**A single complaint can include multiple issues*

The highest number of complaints received involved service users reporting issues with the care they were receiving. This is a wide range topic which can include any type of dissatisfaction including delays to receiving services, unhappy with the care services provided and service users challenging procedures and processes.

The assessment teams received 18 complaints in 2022-23, with the majority of service users unhappy with the decision applied to their entitlement of either care provided or occupational therapy equipment. This can invariably fall below the service users' expectations or desired outcome. Complaints pertaining to assessment entitlement cannot overturn the decision of what a service user has been allowed but instead they assess if the correct procedures or processes have been applied and decide if there is any fault or maladministration occurring.

There is a significant drop in the number of complaints received involving the quality of service or where there is a failure to provide a service from 2021-22 to 2022-23. This suggests that the volumes in 2021-22 were higher as a result of the continuing Covid pandemic which placed restrictions on the level care that could be provided. The reduction in 2022-23 complaints is indicative of the provision of service recovering from such restrictions.

5. PERFORMANCE

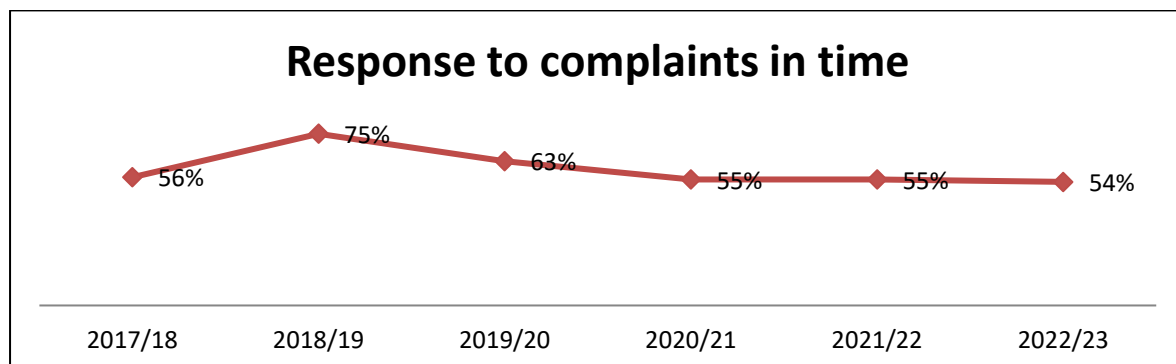
The Health and Social Care complaint regulations require acknowledgement of all complaints within 3 working days, and the operational model in practice is that this is done by the team who receives the complaint first.

In 2022-23 95% of all Adults Social Care complaints were acknowledged within 3 working days. This is an improvement from 94% in 2021-22.

Performance in responding to complaints within the statutory timescales of 20 days remains similar to the previous two years. Whilst it is noted that this has not particularly

declined further, the strain on staffing resources and failure to successfully recruit to a number of vacant posts may have contributed to this remaining under the Council’s satisfactory level of performance. CCT continue to monitor and chase responses by the due dates, however further action remains to be taken within Adults Social Care to highlight the importance of responding within statutory timescales in order to improve future response rates.

Graph 2 below demonstrates the % of formal complaints currently responded to within 20 working days since 2017/18 onwards



6. OUTCOMES

The outcomes of complaints are classed as upheld, partially upheld, not upheld, withdrawn and inconclusive (when there is no evidence to conclude one way or another).

The table below demonstrates the percentage of complaint outcomes for the last two financial years. Where complaints have multiple issues, each issue is given a separate outcome.

Table 2 – Upheld rates

Stage 1 Upheld rates %	2022-23	2021-22
Fully Upheld	13%	15%
Partially Upheld	33%	25%
Not Upheld	40%	39%
Withdrawn / resolved	14%	21%
Inconclusive	3%	18%

The Council’s RAG rating for **upheld rates only** is;

	21 to 100%
	11-20%
	0-10%

Of the complaints upheld, the two most common themes were staff conduct and poor service delivery.

A recent benchmarking exercise demonstrates how upheld rates for Bradford compare against other West Yorkshire authorities in relation to adult social care complaints. Bradford has the lowest upheld rate in 2022-23.

Table 3 - Upheld rates West Yorkshire comparison

Local Authority (ASC)	% upheld / partly upheld
Bradford	40%
Kirklees	45%
Calderdale	65%
Leeds	71%
Wakefield	not available

7. LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

The Council is legally required to inform people of their right to complain to the Ombudsman if for whatever reason they are unhappy with the way the Council has dealt with their complaint or they disagree with the outcome. All statutory stage one responses provide complainants with the details of how to contact the Ombudsman.

If a complainant in the first instance approaches the Ombudsman without initially raising their concern with the Council, the Ombudsman will invariably advise that the complaint is “premature” and will refer it back to the Council to investigate. This provides the opportunity for the Council to offer a response and if fault is found, to put corrective measures in place.

The Ombudsman publishes an annual report to review the Council’s performance and give information on the complaints they have investigated on behalf of service users within the Bradford district.

The latest Ombudsman annual review of Adult Social Services was published on October 2022 and provides information in relation to 2021-22.

Table 4 – LGSCO Complaints received by subcategory 2021-22

Authority name	Assessments and care planning	Charging	Safeguarding	Direct payments	Disabled facilities grants	Residential care	Home care	Supported living	Other	Total
Calderdale	5	1	2	0	0	1	3	0	1	13
Bradford	7	0	1	0	2	0	2	0	1	13
Kirklees	2	5	1	0	2	3	2	1	2	18
Leeds	7	4	3	4	1	1	4	1	7	32
Wakefield	2	4	0	0	0	2	0	0	1	9
Totals	23	14	7	4	5	7	11	2	12	85

Table 5 – Ombudsman Complaints and enquiries decided by outcome 2021-22

Authority name	Invalid or incomplete	Referred back for local resolution	Closed after initial enquiries	Not upheld	Upheld	Total	Uphold rate (%)
Calderdale	1	2	5	3	0	11	0%
Bradford	0	1	1	4	8	14	67%
Kirklees	1	7	4	2	3	17	60%
Leeds	0	8	13	4	8	33	67%
Wakefield	1	2	1	6	2	12	25%

Table 6 – Ombudsman Remedy and Compliance Outcomes 2021-22

Authority name	Number of upheld complaints	Uphold rate (%)	Upheld cases where the authority offered a satisfactory remedy before the complaint reached the Ombudsman (%)	Number of cases with a compliance outcome recorded during the year	Cases where we were satisfied the authority implemented our recommendations to remedy the complaint (compliance rate) (%)
Calderdale	0	0%	0%	0	
Bradford	8	67%	0%	10	100%
Kirklees	3	60%	67%	0	
Leeds	8	67%	0%	9	100%
Wakefield	2	25%	0%	2	100%

Compensation awards for 2021/22 to complainants totalled £2,550, of which £1,500 was awarded in relation to one single case of maladministration and injustice by the Ombudsman;

The Ombudsman in this instance found that the Council was at fault as the care provider it commissioned failed to provide an adequate service to the service user. The Council agreed with the Ombudsman's recommendations to pay £500 in recognition of the inadequate service the service user received and send a written apology for the avoidable distress and anxiety to the daughter and son of the service user suffered because of its failings and pay them £500 each. The Council further provided the Ombudsman evidence of how the safeguarding team complied with the recommendations in the safeguarding report related to this complaint.

Council data shows that whilst only 2 Ombudsman cases were awarded compensation in 2022/23, the amount awarded has increased to a total of £4,371.10;

Case 1

One complainant was awarded £371.10 compensation. The Ombudsman in this case, found that the Council delayed in sending the complainant's application for Attendance Allowance to the Department for Work and Pensions. The Council was at fault for a six-week delay. The Council apologised for the delay and was told to pay £371.10 to reflect the benefit the complainant did not receive as a result of the delay.

Case 2

£4,000 was awarded in compensation to a complainant in December 2022 where the Council did not make reasonable adjustments to assist a service user with autism to

access services and did not process his application correctly, referring him to the mental health team when this was not appropriate. To remedy the injustice caused, the Ombudsman made a number of recommendations to the Council, which we agreed to implement. This included an apology to the complainant and his wife, setting out the faults identified by the Ombudsman and the actions the Council would be putting in place to avoid similar problems in future, along with reviewing the complainant's current support and to look at what was needed to address the ongoing difficulties experienced in engaging suitable support. We also agreed to pay the complainant £2,000 for the loss of service and avoidable distress it caused them and a further 2,000 for the loss of service and avoidable distress it caused their spouse.

Following on from this complaint, the Council has introduced autism awareness training to assessors and all relevant staff to ensure people with autism have their needs assessed properly and to further ensure that at the first point of contact, we consider whether people with autism will have substantial difficulty being involved in their assessment and will need an advocate. The CCT staff have also received autism awareness training as part of their equality and diversity training.

8. COMPLIMENTS

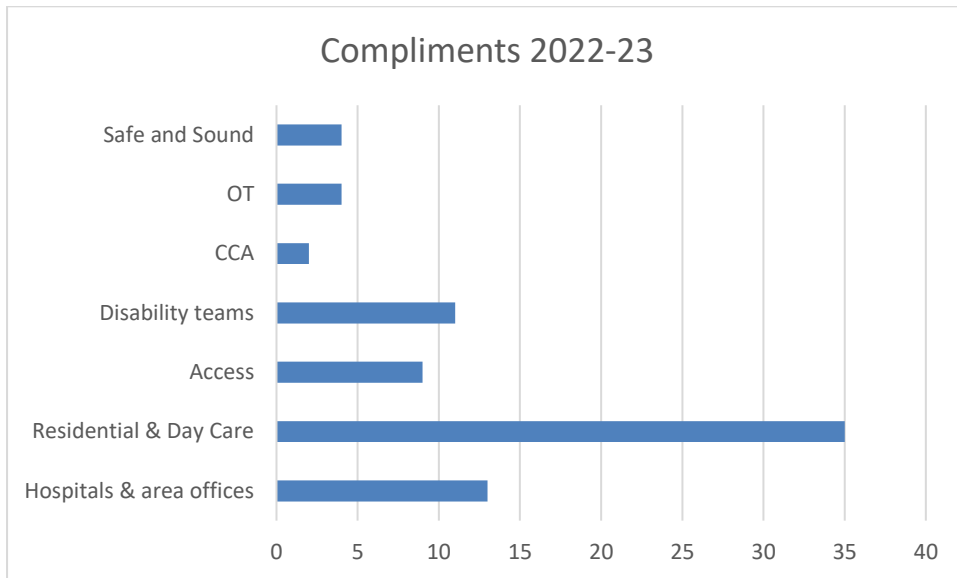
Whilst complaints give us an indication of where performance is lacking and can contribute to identifying where service improvements are needed, compliments help to recognise good practice and acknowledge where staff have made great efforts to support people accessing Council services.

78 compliments were received between 1st April 2022 and 31st March 2023, a decrease on the data collected by CCT for 2021-22 when 83 compliments were received. However, it is acknowledged that there will be additional compliments received within the department in the course of "business as usual" which are not forwarded to CCT to log. Regardless of where compliments are received, it is important that they are noted by Managers to reflect where services are delivered to a good standard and that where staff are personally complimented, they are given the recognition they deserve.

Residential and Day Care Services remain the service which receives the highest number of compliments.

58% of compliments received by CCT related to the quality of service, whilst 42% referred to the quality and professionalism of staff.

Graph 3 below demonstrates the compliments received by Service area.



9. LEARNING FROM COMPLAINTS

The Ombudsman's conference in November 2022, reminded Councils of the value of complaints and to use them as an opportunity for learning and service improvement.

Learning from complaints is part of the Council's complaints process and CCT asks services to provide information where changes have been implemented as a direct result of complaints that have been received and upheld. Often changes can be small but can make positive improvements to procedures and processes. This in turn improves communication and gives service users a clearer understanding of the services we provide.

The following service improvements were identified and implemented as a result of stage 1 complaints received in 2022/23.

Residential and Day Care Services

- Refresher training rolled out for staff on Person Centred Care
- Trustcare put measures in place to reduce wait times

Safe and Sound

- To reduce inconsistent call handling, staff training was given and a system upgrade has been planned

Occupational Therapy

- Introduced a new process using admin staff to inform clients of any changes to assessment, including planned visits from external agencies such as physiotherapists.

Direct Payments

- Information provided to families has been updated to include details of top-up payments.

Domiciliary Care

- Where a care provider was found to not have a proactive approach in place about care and risks and does not have clear complaints procedures in place. The contract manager is closely monitoring the provider's performance with an expectation to see standards improve
- Residential home has improved communications and customer service by setting up a voicemail facility on all telephones
- Provider has put in place Stoma Care/Catheter Care training to accompany risk assessments and standard operating procedures to ensure carers have all the information needed to ensure quality of care

Social Work teams

- Advised staff on the importance of communication and case recording. Processes were reviewed to reflect this.
- Escalated to health colleagues the importance of arranging a joint review whenever needed.

10. CONCLUSION

Whilst upheld rates do not give particular cause for concern and Bradford can be seen performing as well as our West Yorkshire counterparts, future focus needs to be given to improving the response rates and also using the information around common themes and service breakdown to look at how service improvement to processes and procedures, as well as service delivery, can address some of the concerns service users are bringing into the formal complaint setting.