



Annual performance report 2023/24

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# **Adult social care and health:** Performance of the statutory complaints procedure for Adult Social Care

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	Contents	Page
1	Purpose of the report	3
2	Policy context	3
3	The Local Government & Social care Ombudsman	3
4	Analysis of complaints 2020/21	5
5	Learning from complaints	9
6	Our priorities & proposed areas for Improvement	10

## **1 Purpose of the report**

This report provides an overview of the operation and effectiveness of the statutory complaint's procedure for Adult Social Care in Lewisham between 1 April 2023 and 31 March 2024. Information is provided on the complaints that were made, the lessons learnt from those complaints and how the Adult Social Care performed in response.

The production of this report fulfils a statutory requirement and complements performance reports and trend analysis presented to the Division's management team.

## **2 Policy context**

Since 1991, the National Health Service and Community Care Act 1990 has charged each local authority with maintaining a statutory complaints process for adult social care services. The current regulations, The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, came into force on 1 April 2009.

Statutorily, local provision of the regulations is the responsibility of each council's Chief Executive Officer. In Lewisham, that responsibility has been delegated to the Director of Operations for Adult Social Care.

The focus of the regulations is on early resolution rather than process, with an emphasis on learning from complaints. Local responsibility for complaint administration and ensuring that lessons learnt are recorded and fed back to service providers, is delegated to the Quality Assurance and Business Support Manager for Adult Social Care, working in partnership with the Principle Social Worker and Advanced Practitioner colleagues.

## **3 The Local Government and Social Care Ombudsman**

The Local Government and Social Care Ombudsman (LGSCO) provides an external, independent service that oversees complaints about a range of local authority services, including social services. The Ombudsman is concerned with maladministration by local authorities and social care providers leading to injustice.

The LGSCO also has the power to investigate complaints from adults who pay for their own care and who are in receipt of services from Care Quality Commission registered providers of social care.

The Ombudsman normally requires complaints to have been considered locally, using the most appropriate complaints procedure, before accepting a complaint for his own investigation.

Since the introduction of the current regulations on 1 April 2009, the Council has informed every complainant of their right to escalate concerns to the LGSCO at any time during the progress of their complaint.

The Ombudsman has published their annual letter for Lewisham, providing an annual summary of complaint statistics for 2023/24. The Ombudsman received 19 complaints about the Council’s adult social care service and investigated 14. Of those, 3 complaints were upheld, and the Ombudsman is satisfied in each case that remedies have been complied with.

In the previous reporting year, the Ombudsman investigated 15 complaints about Lewisham, 5 of which were upheld.

The table below shows complaints received about Lewisham Adult Social care along with its comparator London boroughs, for the current reporting period.

London Borough of Merton	6
Royal Borough of Greenwich	7
London Borough of Barking & Dagenham	9
London Borough of Southwark	9
London Borough of Waltham Forest	12
London Borough of Wandsworth	12
London Borough of Newham	16
London Borough of Ealing	17
London Borough of Hackney	17
London Borough of Lambeth	17
<b>London Borough of Lewisham</b>	<b>19</b>
London Borough Of Brent	23
London Borough of Tower Hamlets	25
London Borough of Hounslow	28
London Borough of Croydon	30
London Borough of Haringey	32

## 4 Analysis of complaints 2022/23

The Council investigated 114 complaints about adult social care during the reporting period. The tables overleaf show that number in comparison to previous reporting periods, and the number of complaints received per quarter by comparison to those received during the previous reporting period.

2023/24	2022/23	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17	2015/16
151	114	89	79	87	78	69	76	70

Q1		Q2		Q3		Q4	
23/24	22/23	23/24	22/23	23/24	22/23	23/24	22/23
20	30	46	35	42	18	43	31

The number of complaints investigated has increased by another 32% (a 28% increase was recorded from the previous reporting period). While we remain positive that this further confirms our openness to receiving complaints, the Service Development and Improvement team has planned work to ensure that the division is getting the best out of complaints and using them to deliver improved services. More information on this can be found on page ten '*our priorities and proposed areas for improvement*'.

### 4.1 Complaints received.

Adult Social Care is divided into nine service areas outlined below. Financial Services support with financial assessments and income and payments is provided by the Council's Corporate Services Directorate. Complaints about these functions are covered by the statutory regulations and so are included as part of this report.

The nine services areas are:

- **Adults with Learning Disabilities & Transitions.** A dedicated social work team supporting adults who have a learning disability and children who are transitioning to that service. It also supports the Council's Deprivation of Liberty Safeguards (DoLS) service.
- **Community Mental Health service.** In partnership with the South London & Maudsley NHS foundation trust, a dedicated social work service for older and younger adults with mental health needs.

- **Financial Services.** The Division is supported by corporate teams who manage the delivery of Financial Assessments for care and support, and the resulting administration of Income and Payments.
- **Gateway & MASH.** The division's single point of access to social care and community health services. It includes the Social Care Advice & Information team, is linked to the Community Nursing Team, and supports a Duty Social Work team. It also provides operational and strategic support to the adult Multi Agency Safeguarding Hub (MASH).
- **Integrated Neighbourhoods.** Social Work, Occupational Therapy and Support Planning divided across four geographical areas of the borough.
- **Internal Provider Services** help people to stay safe and well at home using Enablement Services and Telecare; and a Shared Lives Scheme and Day Opportunities Service that help adults with learning difficulties to have better life experiences living as part of their local community.
- **Integrated Commissioning.** A joint service between the Council and NHS Southeast London Integrated Care Board that is responsible for market shaping and management of contracts including Maximising Wellbeing at Home, brokerage of short & long term residential & nursing placements, and the management of support funded by NHS Continuing Healthcare.
- **Joint Health & Social Care.** A service funded by the Council and Lewisham & Greenwich NHS Trust focussed on the avoidance of admission to hospital, and the safe and sustainable discharge of patients back into the community.
- **Service Development & Improvement.** This service includes an Arranging Care team, with responsibility for sourcing and administering people's care; a Direct Payment administration team; and a care review team for residents placed out of borough. The service also delivers a Business Support function and is responsible for monitoring and maintain performance, quality, and improvement across the division, which includes complaint administration.

The table overleaf shows the number of complaints received during the reporting period by service, and the length of time taken (in working days) to provide a response.

Service menu (level 3)	0 - 10 working days	11 - 25 working days	26-60 working days	61+ working days	Total
Arranging care	2	3	3	2	10
AWLD & Transitions	8	13	8	4	33
Community Mental Health	3	2			5
Financial Services	1	1	2	2	6
Gateway	4	5	4	3	16
Integrated neighbourhoods	9	11	11	6	37
Internal provider services	2	3	1		6
Integrated Commissioning	3	1	5	6	15
Joint health & social care	2	7	5	5	19
<b>Total</b>	50	31	33		114

#### 4.2 Performance

The Council's performance measure is to consider and respond to complaints about adult social care within twenty-five working days. There is provision in the statutory regulations to extend that time-period up to sixty working days, with the customer's consent, for complaints that are of a more complex nature. The Council responded to 52% of the complaints it received without needing to extend the initial timeframe, a 20% decrease compared to the previous reporting period.

The regulations also allow for work to be done and actions to be taken to resolve a person's concerns 'on the spot' without making them go through a process unnecessarily, particularly where satisfactory local resolution can be achieved quickly and easily. The Council resolved four complaints in this way (3%) a 16% reduction compared to the previous reporting period.

In terms of complaint outcomes, the following table shows a comparison with the previous reporting period in numeric value. While numbers of complaints have increased, it's encouraging that, as a percentage, upheld complaints remain comparatively low.

	On the spot	Upheld	Partly upheld	Not upheld
2022/23	22	9	10	29
2023/24	4	17	20	73

The Council received a further 24 complaints which were rejected or withdrawn because they were not about a Council service, were duplicate, or permission from the citizen concerned had not been given for the complaint to be investigated.

In terms of our performance in complaint administration, it has been a difficult period. An increase in the number of complaints received and investigated, coupled with a complexity of issues, in particular those relating to charging for services, have been managed within existing resources to meet continuing savings targets.

We need to improve performance to ensure that people are receiving timely, good quality and meaningful responses to complaints and that the essential learning from those complaints is used to inform service improvement. Our plans in this area can be found on page 10, '*our priorities and plans for improvement*'.

### **4.3 Category analysis**

The electronic work-flow system the Council uses to help administrate the correspondence it receives supports a 'root cause analyses' of complaints which helps officers to record multiple issues for investigation. Analysis of the complaints, by comparison to the previous reporting period, show that:

- 34% were from people who disagreed or were unhappy with the Council's decision making (+19%). Of that number, only 12% were upheld or partly upheld.
- 17% were about the quality of the Council's service delivery including our communications (+4%). Of those, 35% were upheld or partly upheld.
- 12% were about staff conduct (no change). Of those, 33% were upheld or partly upheld.
- 11% were about a perceived failure in the Council's delivery of service (-2%). Of those 35% were upheld or partly upheld.
- 7% were about Financial Services (-1%). Of those 18% were upheld or partly upheld.
- 7% were about the quality of services delivered by third party providers (-8%). Of those, 30% were upheld or partly upheld.

Requests for service and/ or information accounted for 6% of issues recorded. Delays accounted for a further 3% and two complaints (1%) related to issues of data protection and were administered using different legislation.



## **5 Learning from complaints**

The Service Development and Improvement team supports people to quickly and satisfactorily resolve concerns and complaints. One of the keyways we achieve that is by helping people to focus on those things they would like to see improved because of their complaint and what outcomes they are seeking.

The following key learning points were identified during the reporting period that are linked to the complaint trends identified as part of this report's analysis.

### **5.1 Decision making**

Elements of the Council's programme of adult social care re-design work 'Empowering Lewisham' are being implemented.

To compliment the appeals process, referenced in the previous annual report and which was launched on 1 April 2024, changes are being made to the panel process that has, until now, been used to ensure an equity of service provision.

A successful pilot of Ideal Outcomes Meetings (IOM), has focused on the promotion of strengths-based practice and to aid in that, have included professional input from Internal Provider colleagues who bring a wealth of practical knowledge to discussion.

Moving forward, we plan to include more strengths-based questions into the Care Act assessment paperwork and replace 'panel' with the IOM format.

### **5.2 Quality and communication**

For a limited period of six months, the Quality Assurance team will be overseeing the production of responses to complaints, as opposed to providing a Quality Assurance service postproduction. The aim is to create more person focussed and informative responses to people's concerns, while remaining open in addressing difficult subjects and situations.

### **5.3 Staff conduct.**

Having difficult conversations is a challenging part of social work delivery, and it remains a continuous focus for improvement. Based on the reported performance, the Quality Assurance team will be working with Advanced Practitioner colleagues and training partners to devise a bespoke delivery targeted at the relationship between difficult conversations and complaints/appeals.

Our aim is to empower social work staff to talk about and use both the complaints and appeals processes as positive tools that help people to feel listened to, believed, and understood; and crucially as tools to help the organisation learn from the complaints made and deliver service improvement.

#### **5.4 *Complaints about financial services and third-party providers.***

A number of changes have taken place over the last two years in terms of the systems the Council uses to manage income and payments relating to adult social care, meaning the invoices people receive have also changed. As a directorate we have highlighted the need for a piece of project work to be carried out mapping our charging system from end to end, to create clarity and a shared understanding of processes so that we might identify improvements and be able to work together to help resolve people's concerns more efficiently.

Complaints about third-party providers are fed back to the Maximising Well-being at home team, part of the Joint Commissioning service, so that they can be used to inform our 'Proud to Care' approach where the person, council, provider, Wellbeing Worker, and Unpaid Carers work together to deliver a wellbeing service.

## **6 Our priorities and proposed areas for improvement**

The Service Development and improvement team will continue to make available a high quality, effective representations service for the Council's customers to use, and will support its adult social care colleagues to capture and use the learning opportunities available from the representations it receives.

The team will also work collaboratively with service users and carers, partners and providers to co-produce and provide the right support in the right place at the right time.

The Team has identified the following priorities and areas for improvement.

- 1 Support the division more intensively for a time limited period in the production of high quality, timely responses to complaints, to improve quality and performance.
- 2 Support people to access the recently implemented Appeals Process and feedback to relevant Senior colleagues on its performance; and
- 3 In partnership with the Principle Social Worker and their Advanced Practitioners, design and deliver targeted learning that focusses on the positive impacts of complaints and appeals, with a particular focus on how they can help manage difficult conversations.