

ADULTS SOCIAL CARE COMPLAINTS ANNUAL REPORT 2017/18

Executive Summary

- A. Complaints regarding services provided by adult and children's social care are subject to statutory complaint procedures initiated by The National Health Service & Community Care Act 1990 and the Children Act 1989.
- B. During the year a total of 29 complaints were received:
- 29 Enquiries concerning Adult Social care have been logged with the customer care team
 - 9 Complaints concerning Adult Social Care were logged with the LGO
- C. In this period there were nine referrals concerning Adult Social Care to the Local Government Ombudsman (LGO) which is the same number of cases logged from the previous year with the LGO.
- D. There continues to be a determination on the part of those responsible for responding to complaints to ensure that a full and comprehensive response is sent at the initial stage and this is likely to be part of the reason for the comparatively low number of requests for formal investigations.
- E. The LGO produces a report of all boroughs, with details on the outcome of referred complaints during that reporting year.
- F. In 2017/18, nine cases concerning statutory social care complaints were referred to the LGO regarding Adult Social Care.

The LGO records a complaint as upheld even if only one element of the complaint is upheld. Remedies ranged from a written apology to financial compensation in some cases. The LGO can also make recommendations for improvement in practice.

Four complaints were classed as premature by the LGO and referred back to the Council to continue the investigation. Three complaints were upheld and two complaints were not upheld.

From 1 October 2010 the Local Government Ombudsman (LGO) was granted extended powers, which enabled this office to deal with complaints from people who self fund or arrange their own personal care. The service gives people who self fund the same access to the LGO as those who have assistance from the Local Authority.

In the same way, people who receive a Direct Payment or Personal Budget to arrange their own care, are now also able to approach the LGO if they experience problems with the service they receive through a care agency and have exhausted the route through the agencies own procedure.

However, if an individual employs a personal assistant (carer) directly they should continue to seek assistance from the Local Authority via their care manager or adult services team. This is because the LGO currently has no jurisdiction with regard to this type of support.

2. Complaints summary

During this reporting period, the Council received 29 complaints concerning adult social care, 18 were dealt with informally and 11 complaints were logged as stage 1 complaint.

The summary of complaints received for statutory complaint process is as follows:

- 11 Stage 1 Complaints
- 9 complaints concerning Adult Social Care were logged with the LGO

Recording Complaint Outcomes

There are three main categories for recording the outcome of a complaint:

Upheld	This is where the Local Authority has accepted responsibility for the concern or issue raised. This would be acknowledged by a detailed letter of apology and clarification with reasons and remedies for the matter. It would also include actions to ensure such a complaint does not recur in the future
Partially Upheld	The Local Authority accepts some responsibility for part of the complaint. A response outlining the part that is upheld is sent, stating reasons and proposed corrective measures.
Not Upheld	This usually means that the complaint was investigated but no fault or error was found. We would explain carefully and thoroughly our reasons for our conclusion, providing support evidence where possible

Stage 1 complaints:

Summary of stage 1 complaints logged during this reporting period:

- Stage 1 complaint logged Partially uphold September 2017

Miss X raised a complaint as she is unhappy with the outcome of a review that was carried out in May 2017 by the Social Worker and the subsequent reduction in the level of support being offered.

Conclusion to Complaint: **Partially Upheld**

- Stage 1 complaint logged - July 2017

Miss B complaint about funding in relation to medication prompt calls for Miss B father, the impact on his health and subsequent admission to hospital. Miss B raised concern that the communication was ambiguous from adult social care and incorrect and inaccurate information being given.

Conclusion to Complaint: **Partially Upheld**

- Stage 1 complaint logged - June 2017

Miss X complained about her entitlement and that our staff at RBK are expected to have some knowledge of the support and advice on welfare benefits

Conclusion to Complaint: **Not Upheld**

- Stage 1 complaint logged - July 2017

Miss C complaints dissatisfaction with the DoLS process and that she felt that it was used to prevent Mrs x r from having a choice in deciding where she wanted to live.

Conclusion to Complaint: **Upheld**

- Stage 1 complaint logged - February 2018

Miss C raised a complaint regarding the involvement of Kingston Social Services with her mother, Mrs X.

Conclusion to Complaint: **Not Upheld**

- Stage 1 complaint logged - April 2017

Miss V felt disappointed and angry with the co-ordination and management of her Mother, Mrs W discharge from Kingston Hospital to a Nursing home placement.

Conclusion to Complaint: **Upheld**

- Stage 1 complaint logged - September 2017

Miss x made a complaint regarding deterioration in her mother's health and sufficiency of care she receives is no longer enough and therefore started the process to request a residential place after completion of a financial assessment was advised the facility suggested could not be considered.

Conclusion to Complaint: **Upheld**

- Stage 1 complaint logged - March 2018

Miss M complained on behalf of Mr M regarding backdated payments from June 2015 for her father's care costs. Miss M stated she was not informed of the client contribution costs until the letter from RBK Finance Department was received.

Conclusion to Complaint: **Upheld**

- Stage 1 complaint logged - October 2017

Miss Z complained following a recent appeal to adults social care services regarding a permanent residential placement for her mother

Conclusion to Complaint: **Not Upheld**

- Stage 1 complaint logged - April 2018

Miss E raised a complaint regarding the support arrangement for her uncle Mr X.

Conclusion to Complaint: **Not Upheld**

- Stage 1 complaint logged - February 2018

Miss X complained about the actions taken by Adult Social Care in relation to her father's care and welfare and the scope and accuracy of the safeguarding enquiry completed by Adult Social Care.

Conclusion to Complaint: **Not Upheld**

5. Ombudsman cases:

During this reporting period, the Local Government Ombudsman received 9 referrals regarding Adult Social Care Services.

The summary of complaints received is as follows:

- 3 Upheld
- 2 Not upheld
- 4 Referred back for local resolution

Some examples of the Ombudsman enquiries that was published during this reporting period:

- Statement **Upheld** Other 08-Jan-2018

Summary: The Council was at fault in the way it allowed money to accrue in Ms X's account without monitoring the amount. As a result, she not only lost out on the use of money which could have improved her standard of living, but she also suffered the shock and distress of being notified that she was no longer entitled to benefits. The Council acknowledged and rectified the matter and agrees now to apologise to Ms X and offer a payment to recognise the injustice its failings caused.

- Statement **Upheld** Charging 02-Jan-2018

Summary: The Council was at fault in the way it communicated with Mr and Mrs X, dealt with Mr Y's financial assessments and Mr X's complaint about this. It will apologise and pay Mr X £350, waive some of Mr Y's contributions and act to avoid similar problems in future.

- Statement **Not upheld** Charging 20-Jul-2017

Summary: There is no evidence of fault in the way the Council reached its decision that Mrs A had intentionally deprived herself of assets in order to avoid paying care home costs. The complaint is not upheld.

- Statement **Not upheld** Assessment and care plan 18-May-2017

Summary: The Council was unable to complete a financial assessment which would identify Mrs X's disability-related expenditure, and ways of providing evidence for that expenditure, until her support plan was finalised. The complaint is not upheld.

6. Learning from complaints

For this reporting period, the learning was focused on the stage 1 complaint process:

- Improve communication with residents when processing financial assessments
- Ensuring that Financial Assessments are completed in a timely way
- Completing an annual needs review (Financial Health Checks) to ensure that Disability Related Expenditure (DRE) are maximised so that the charge calculation is affordable as per the charging policy
- Developed an Easy Read DRE leaflet which explains how to apply for additional money an individual may need to spend due to disability or ill health
- Supporting users through budgeting which will ensure that contributions calculated under the current charging policy are affordable
- Providing Welfare Benefits Advice within ASC and Shared Services Finance (appointeeship) to deal with complex casework such as appeals, revision, sanctions and all other PIP-related queries.
- Informing the Corporate Welfare Reform Board of how the introduction of PIP is impacting service users