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## Annual Complaints Report 2023/24

### 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 2023/24.

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. For the purpose of this report, and reflecting the period of time that this report covers, this is a two stage process as set out in 'West Berkshire Complaints Procedure – Adult Social Care (Nov 2010), however this is policy has since been revised.

**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.

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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 2023/24

#### Introduction

During the financial year 2023/24 **55** complaints were received by ASC Services.

We note this figure represents a slight increase in the number of complaints received by ASC during 2022/23 when **45** complaints were received. 55 complaints represents an increase of 22% compared to the number of complaints received during the previous year. This % increase appears high because there was a low starting figure. It is noted that it is following the trend of a steady year on year rise in the number of complaints we have received since the pandemic. We are also showing an increase

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in the complaints made per 100 service users (see Table 1 below). On a positive note, we have not yet reached pre-Covid levels in relation to the number of complaints received (2019-20 when 82 ASC complaints were recorded).

As we saw last year, the complaints we have received during 2023/24 have often taken longer to resolve than in previous years. We have, however, yet again seen a very positive outcome this year in the number of cases that progressed to the LGSCO for a decision, which suggests that, overall, the complaints process within WBC ASC 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
2023/24	2423	55	2.3

**Table 2:**

Quarter	Complaints by Quarter				Total
	Q1	Q2	Q3	Q4	
Volume	24	10	9	12	55

**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** illustrates an analysis of the complaints received by quarter which show an even spread of complaints received throughout the year apart from a significant rise during Q1. The cause of the rise can be attributed to multiple complaints being submitted by an individual during this period as well as a number of service users making duplicate complaints about a particular issue. In one case this was the service users living in a group home who each complained about the same issue and, in another case, a married couple both raising a complaint about an issue that affected them both.

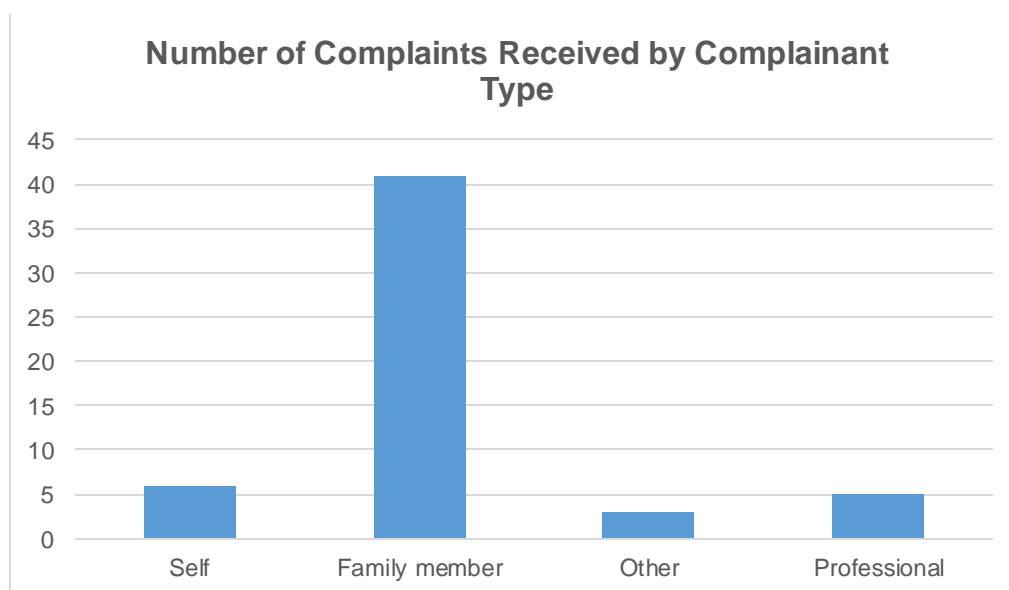
## Compliance with Timescales

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 2023/24 with **98%** of all complaints being responded to in the first instance within the 20 working days timeframe. The one complaint response that was out of the agreed 20 day response time was due to the investigator being unwell.

## Complaints Received by Complainant Type

- Following 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 (75%). This remains entirely consistent with last year (74% being recorded in 2022/23).
- 11% of the complaints were made by the service user themselves. Of these, none used or required the services of a professional advocate. This figure reflects a decrease on last year's reported figures (22% in 2022/23).
- 9% of complaints were submitted by professionals.
- 5% of complaints were made by others.



## 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 their voices are heard and that we can, where justified, make improvements to the services we are delivering to them.

Improving the number of complaints received by service users directly is an area that we have consistently highlighted for action in previous years. We have put measures

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in place (i.e the Review Team now take the Complaints Leaflet out with them when undertaking an annual review to give to service users) to try to improve this but unfortunately, despite our efforts, this has not been successful. This year we have seen a decrease in the number of people who have made a complaint on their own behalf which is both frustrating and a negative indicator for the year.

When a complaint is made on behalf of a service user all attempts are made to seek direct consent from them for the complaint to proceed, as well as to ensure that the complaint being made accurately reflects their views. Where possible we will then pick up the complaint directly from the service user themselves.

6 complaints were received from service users during 2023/24 in comparison to 10 in 2022/23.

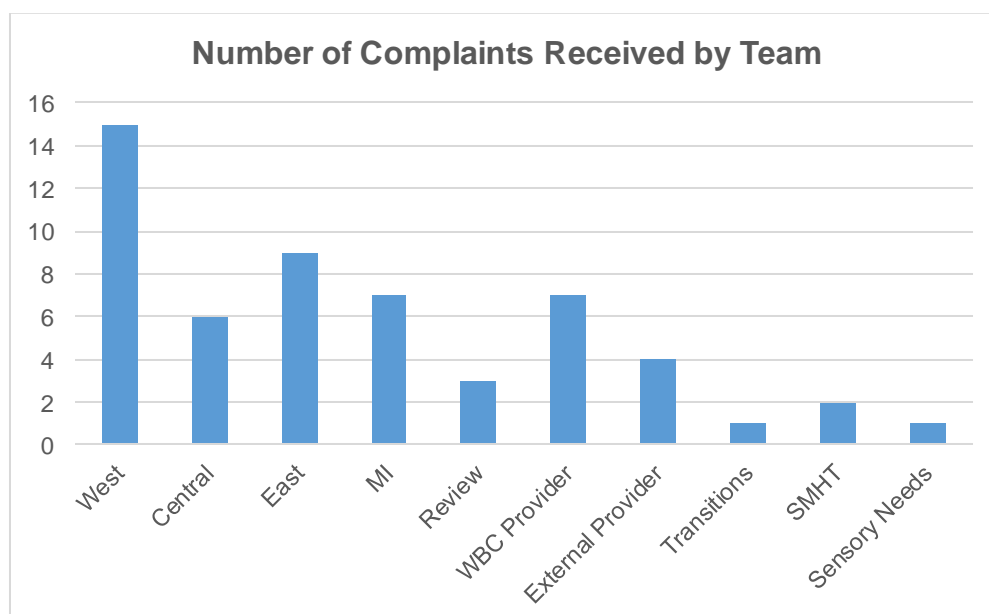
The figures for 2023/24 continue to highlight that most complaints (41 – or 75%) received by ASC continue to come from other family members who are acting on behalf of the service user. Of these, 3 were made after the service user had sadly passed away. Of the remaining 38 complaints, 7 were made by a parent and 28 in relation to older people and the complaints were usually made by the son/daughter or a spouse. 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 2023/24 there have been occurrences of multiple complaints being made by a single person. These, however, did not meet threshold for implementing The Persistent and Unreasonable Complainants Process.

### Complaints Received by Team

Of the 55 complaints made, the allocation of complaint by service is as follows:



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### Data

Team	Volume	%
West	15	27%
Central	6	11%
East	9	16%
MI	7	13%
Review	3	5%
WBC Provider	7	13%
External Provider	4	7%
Transitions	1	2%
SMHT	2	4%
Sensory Needs	1	2%
<b>Total</b>	<b>55</b>	<b>100%</b>

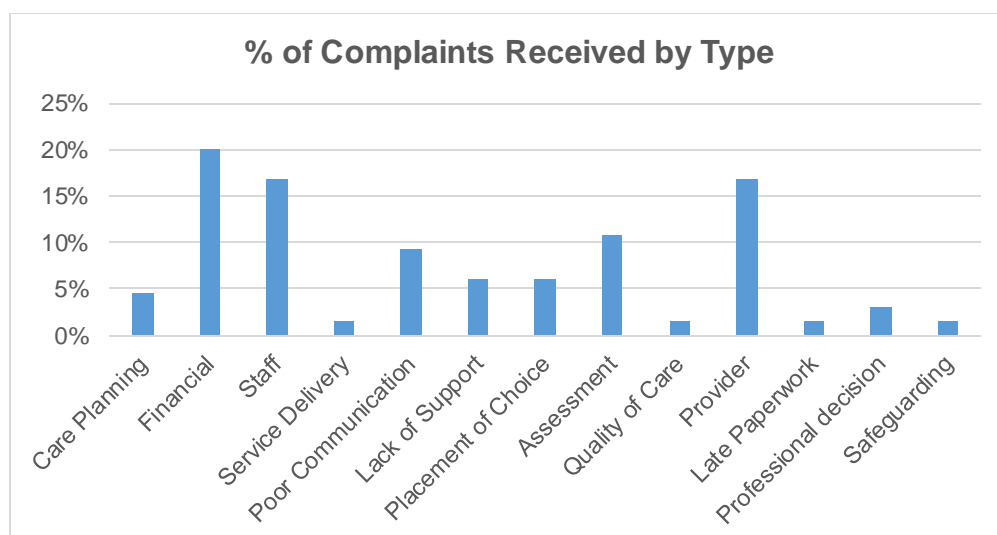
As with previous reports West locality are seen to have the most complaints. It is, however, fair to note they have a slightly larger number of service users in their area than the other locality teams. However, generally the complaints this year are spread evenly across all of the locality teams. Complaints in relation to WBC provider services have increased by 3 this year. It should be noted that multiple complaints in relation to one of the WBC residential homes were made by a single complainant. Complaints relating to external providers have reduced by one this year and remain very low, which is a positive reflection on the services that WBC ASC are commissioning.

### 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 received complaints about during 2023/24.

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### Data

Nature of Complaint	Vol	%
Care Planning	3	5%
Financial	13	20%
Staff	11	17%
Service Delivery	1	2%
Poor Communication	6	9%
Lack of Support	4	6%
Placement of Choice	4	6%
Assessment	7	11%
Quality of Care	1	2%
Provider	11	17%
Late Paperwork	1	2%
Professional decision	2	3%
Safeguarding	1	2%
<b>Total</b>	<b>65</b>	<b>100%</b>

- The most common reason for making a complaint during 2023/24 was financial issues (charging for services). This is a slight shift from last year when the highest volume of complaints made were in relation to staff. Complaints relating to financial matters has increased in numerical terms during 2023/24 but represents a slightly higher proportion of complaints in relation to last year (when it was 19%). The increase in numbers was expected as the cost-of-living crisis continues and was forecast in last year's report, however as the complaints in this area relate mainly to charges for services that the service user did not feel that they had received, this therefore cannot be directly linked to the current cost of living concerns.



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- The second most prevalent reasons for making a complaint in 2023/24 relate to both the categories of staff and providers. Complaints made in relation to staff have decreased by five in comparison to last year which is a more positive indicator. As per last year, complaints made about staff typically relate to situations where people feel that they have not been treated with courtesy or professionalism. We are cognisant that these complaints may 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. Of the 11 complaints that included staff attitude as an element, 7 (64%) were either upheld or partly upheld. This is of concern although it must be noted that this is in the context of extremely low numbers.
- Every complaint about a member of staff that is either upheld or partially upheld is referred to that member of staff through the line management route and reflection in supervision is encouraged. This is in addition to any other actions that may have been considered appropriate in the circumstances.

### Complaints Relating to Providers

In 2023/24 the number of complaints relating to providers (11) was a significant increase compared to the previous years reported figure (5) and represented the second highest area of complaints. An example being:

*“No relationship between service user and carers.  
Lack of training for carers.  
Not enough support for carers.  
Language barrier between service user and carers.  
Not convinced carers understood Alzheimer’s.  
Did not carry out full personal care.  
No-one taking responsibility for problems and concerns.  
Not informed when carers were changed.  
Service user’s personal information not kept up to date.”*

A total of 11 complaints were made that related to providers, which equates to 17% of the overall number of complaints made.

Of the 11 complaints about providers made, the Council were made aware of only 4 complaints about services delivered by external providers commissioned by WBC. However, we do know that external providers receive additional complaints directly and that the Council are not notified of those unless those providers have not been able to resolve them satisfactorily

7 of the complaints made in relation to providers concerned the Council’s in-house services. This is higher than the previous year (4). Of the complaints made in relation to in-house services, 4 were made about the quality of care (3 by the same person in the same quarter). However, none of these complaints were upheld. 2 complaints

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were made in relation to charges and 1 was made in relation to service delivery (a broken lift).

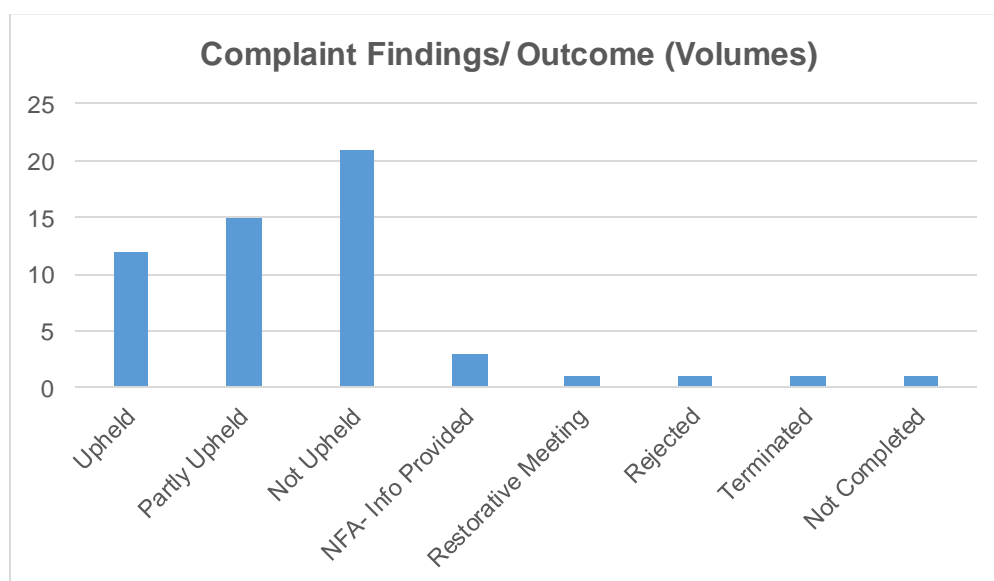
### Emerging Areas of Concern

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 will always be an area for concern, however these do need to be looked at in the context described above. We further recognise that the number of complaints about staff (11) is against the backdrop of 2423 people receiving a long-term service from ASC in this reporting period.
- Complaints relating to finances and charging have seen the highest increase this year compared to last year. This is of no great surprise, and we expect to see this theme to continue until the cost-of-living crisis eases.
- These are the same areas of concern identified in last year's report. Whilst the complaints relating to finances were predicted, complaints relating to staff have improved this year in that there is a lower volume reducing from 16 in 2022-23 to 11 this year. This represents a drop of 31%.

### Complaints Findings/ Outcomes

In summary (based on 55 complaints received during 2023/24):



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### Data

Outcome of Complaint	Volume	%
Upheld	12	22%
Partly Upheld	15	27%
Not Upheld	21	38%
NFA- Info Provided	3	5%
Restorative Meeting	1	2%
Rejected	1	2%
Terminated	1	2%
Not Completed	1	2%
<b>Total</b>	<b>55</b>	<b>100%</b>

In summary, for the 2023/24 reporting period:

- **22%** of the complaints received were upheld (13% upheld in 2022/23)
- **38%** of the complaints received were not upheld (36% not upheld in 2022/23).
- **27%** of complaints were partially upheld (29% partially upheld in 2022/23).

We have seen a significant % increase in the number of complaints that were upheld whilst the number of complaints partially upheld and not upheld remains consistent with last year. The increase in those complaints that were upheld is concerning as it suggests there may have been a decline in the service users experience over the past year.

Of the remaining complaints:

- In **2%** of cases the complaints were refused (as the issue being complained about was still an open case and work was still underway).
- In **2%** of cases the complaint was terminated at the request of the complainant.
- In **5%** of cases the complaint was concluded at the informal resolution 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 **2%** of cases the complaint was resolved by way of a restorative meeting.
- In **2%** of cases the complaint remains incomplete at the time of writing this report (due to an open Safeguarding Enquiry).

### 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.

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Of the complaints made in 2023/24 only 1 progressed to the LGSCO during the year. This complaint was not investigated by the LGSCO as it had not completed the WBC Complaints Process. Therefore, they directed it to the Council, and it was subsequently resolved by the Council ASC Complaint Process.

Whilst 2023/24 has been yet another positive year for the ASC in relation to LGSCO referrals, it is considered highly unlikely that this trend will persist into the 2024/25 reporting year.

### **Comparison with Neighbouring Local Authorities**

Looking at complaint trends in neighbouring local authorities that are represented at the Southern Regional Complaint Managers Group, WBC does not appear to be following the general trend in ASC complaints.

The 2023/2024 complaint figures received from neighbouring authorities include:

BCP (Bournemouth, Christchurch and Poole): 180 ASC complaints (196 in 2022/23). 25 complaints referred to the LGSCO (14 in 2022/23).

West Sussex: 293 complaints (306 in 2022/23).

East Sussex: 376 complaints (430 in 2022/23).

Portsmouth CC: 59 complaints (74 in 2022/23). 3 complaints referred to the LGSCO.

Whilst each of the above authorities may record the number of ASC users in different ways to WBC, each can confirm that the general trend has been for a reduction in the number of ASC complaints in 2023/24. This has not been reflected in WBC.

However, WBC ASC had had far fewer LGSCO referrals in comparison to neighbouring authorities which might suggest that the way complaints are dealt with in WBC is more successful. This is a suggestion only and not the conclusion of rigorous analysis.

We are mindful that we work hard to identify potential complaints at an early stage and manage them informally. These are therefore not recorded nor translate into formal complaints. It is possible that other Local Authorities deal with emerging complaints differently and record them all regardless of whether they progress or not.

Another possibility that must be considered is that people are not complaining about ASC services in West Berkshire because they are on the whole satisfied with them. We have no concerns about the accessibility of the ASC Complaints Process.

### Complaint Actions Carried Over to 2023/24.

During 2023/24 the ASC Complaints Process has been revised and was given final Corporate Board approval in April 2024. As this was an action carried over from last years' Annual Report it seems appropriate to mention it here.

Changes made to the process have made it more efficient for both complainants and the Council. Being mindful of workloads for investigating managers, the process now allows us to refer complainants to the LGSCO at an earlier stage when we feel that the investigation has been fully completed from the Councils perspective at Stage 1.

We retain the option to progress to a Stage 2 if the complainant can provide further information or if the Complaints Manager feels that the Stage 1 investigation did not fully address the complaint.

We offer complainants the opportunity to meet with us and discuss the Stage 1 complaint response and, should further information come to the attention of the Complaints Manager at this time, then a Stage 2 investigation will be undertaken.

### Examples of Compliments Received During 2023/2024

The number of compliments received by ASC continues to outweigh the number of complaints. In 2023/24 WBC ASC received a total of 208 recorded compliments in relation to both services and individual practitioners (an increase on the 153 recorded last year). Service users and their families gave positive and heartfelt feedback to many different teams including our Shared Lives Team, our DOLS Team, our Information Co-Ordinator 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 can't thank you enough for your help and support. Of all the services I have contact with I think Shared Lives are one of the best, you should all be very proud of yourselves.*

*I would like to personally thank you and your team for all your outstanding work regarding the cancellation of the top up contract. I have just spoken to my sister who is currently overwhelmed with relief. I have to comment on the remarkable help we have been given throughout the whole process of placing my father in the adult care system. It has not been an easy road for my family, but West Berkshire adult care and your team have made the process a little easier.*

*I'm emailing so say how impressed I am with the services provided and signposted, for those with dementia, by West Berks Council. The WBC services and the signposting from your directory of services and dementia support pages contains so much information to help those in many areas of west berks – it is a good example of best practice.*

*We just wanted to say a huge thank you for arranging emergency care over the weekend for our dad. It was such a relief to know that we had care arranged for dad*

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*whilst we were waiting for the ambulance for mum. You have no idea how much we appreciated the support being there when we truly needed it and the carers were absolutely brilliant.*

*Thank you so much for the kind, supportive and generous work you have done with my father. I will always remember it.*

*You dealt with things very quickly and kept her informed as to what was happening. She said the whole process from the start to the review was a very positive one.*

*You've helped so much in me finding my strength.*

### **Conclusion**

Based on the complaints figures during 2023/24, WBC is reporting a 22% increase in the number of complaints received about ASC services in comparison to 2022/2023. Whilst we acknowledge the increase, this is not overly concerning as the figures remain very low and reflect the lower end of the general trend in our neighbouring authorities. We have, however, noted that our neighbouring authorities are generally reporting a reduction in complaints received this year in comparison to last year so we do need to be mindful that this has not been the case in WBC ASC.

2023/24 has been a positive year for referrals to the LGSCO but this trend is not forecast to continue into 2024/25.

The Complaints Process has been revised and improved.

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 outstanding 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, and continue to, exist.