



ADULTS AND COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE
5 SEPTEMBER 2022

ANNUAL ADULT SOCIAL CARE COMPLAINTS
AND COMPLIMENTS REPORT 2021-22

REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES

Purpose of Report

- 1 To provide members of the Committee with a summary of the complaints and compliments for adult social care services commissioned or provided by the Adults and Communities Department in 2021-22. The annual report is attached as an Appendix.
- 2 The Committee is asked to note the report and invited to make comments.

Policy Framework and Previous Decisions

- 3 The Committee last received a report on complaints and compliments on 6 September 2021. This report covered the year 2020-21 and the Committee requested that reports continue to be presented on an annual basis.

Background

- 4 The Department has a long standing statutory duty to have a complaints process in place for adult social care. The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, effective from 1 April 2009, introduced a two stage process with flexible investigation methods and timescales to suit the nature and complexity of the complaint. If the complainant is unhappy with the outcome after stage one, they can ask the Local Government and Social Care Ombudsman (LGSCO) to investigate.
- 5 The regulations provide a framework for those handling a complaint relating to a local authority's social care functions - this includes directly provided services and independent services provided through commissioning.
- 6 The actions, omissions, or decisions of the local authority in respect of social care functions are covered; the regulations do not, however, apply more generally to independent providers.
- 7 People who are paying for their own social care (self-funders) may complain to the local authority, for example, about assessment or failure to assess. Services people have arranged or purchased themselves are not covered, but the local authority could be challenged if it commissions those services, for example, by a complaint

that it has commissioned a sub-standard service or is not performance managing contracted services sufficiently.

- 8 The Adults and Communities Department is contacted on a daily basis by service users, carers and other interested parties to share concerns, request information or seek clarity on care arrangements. These queries are dealt with and resolved at a local level within locality care teams or through the Directorate without recourse to the formal complaints process. The Complaints Team do, on occasion, also receive queries and concerns that suggest an adult requires immediate support or that raise safeguarding concerns. Such reports are best handled outside of the formal complaints procedure and are referred into the Customer Service Centre or allocated workers for urgent consideration as appropriate in accordance with relevant safeguarding protocols.
- 9 Under the complaints' regulations, there is a further requirement to produce an annual report that reviews the effectiveness of the complaints and compliments procedures and provides a summary of statistical information. The attached report fulfils this requirement and presents a summary of the complaints handled in 2021-22.
- 10 Complaints and compliments about all other aspects of the Adult and Communities Department are reported separately as part of the corporate complaints process.

Key Points

- 11 Complaint volumes slightly increased in 2021-22 compared to the previous year (210 compared to 196).
- 12 When complaint volumes are set against the context of overall numbers in receipt of long-term support during the year (10,184), it is clear that a very small percentage go on to make a formal complaint (210 complaints which equates to approximately 2%).
- 13 For complaints resolved during 2021-22, the proportion where fault was identified slightly increased from the previous year (92 complaints or 44%, compared to 79 or 39%).
- 14 During the year, the LGSCO assessed or investigated 10 new complaints (approximately 5% of the total volume). This figure compares with nine investigations started in 2020-21. It should be noted, however, that these figures are not comparable due to the LGSCO pausing casework for three months in 2020-21.
- 15 The LGSCO published Final Decisions on 11 complaints during the year. Fault was found in five instances, the same number as in 2020-21. Details for each of the cases appear within the appended report.
- 16 67 (32%) complaints were resolved within 10 working days (63 or 32% in 2020-21) with 134 (64%) resolved within 20 working days. There have been some continued pressures on response rates during the year. Recovery from the pandemic has been a factor here most notably with regards to the high volume of account finalisations within Finance which have been increasingly complex due to temporary funding measures during the pandemic.

- 17 An extra indicator has again been added in response to a request made by the Committee at its meeting in September 2019 to show complaint responses within 40 working days. This shows that 185 (88%) of cases are responded to within this timescale and just eleven complaints exceeded the statutory maximum time allowed (65 working days). These were complex cases all seeking a review of the original decision.
- 18 The most common complaint theme was again around assessments and care-planning. This is a broad area where complaints are often around professional decision-making and professional opinion. The most notable area of change was an increase in complaints relating to charging. A significant factor here was the added complexity of temporary Covid Health funding which was not always clearly explained particularly during periods of high demand.
- 19 At the request of the Committee at its September 2019 meeting, detail is again provided within this year's annual report of complaints mapped to each district. Although there is some variance, no significant outliers present. This is the first full year of recording at this level and over time as these data-sets are gathered trend analysis will be provided.
- 20 There have been good examples this year of how systemic learning has been identified and implemented. In 24 cases (26%) where complaints were upheld, clear actions were highlighted by Investigating Managers that focus on improving future performance.
- 21 Case studies have been included within the annual report to demonstrate how complaints intelligence is driving process change through the Department. These are all examples where managers at the local investigation stage have clearly acted to ensure others do not experience the same issues.
- 22 85 compliments were received during 2021-22. This is a slight decrease on the previous year (111) but continues to add balance to the annual report and recognises the good work that is also taking place across the Department.

Recommendations

- 23 The Committee is asked to:
- a) note the contents of the Adult Social Care Complaints Annual Report, covering the period 1 April 2021 to 31 March 2022.
 - b) provide comment and feedback on the content and analysis within the report.

Background Papers

Report to Adults and Communities Overview and Scrutiny Committee: 6 September 2021
 – Annual Adult Social Care Complaints and Compliments Report 2020/21
<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=1040&MId=6463&Ver=4>

Circulation under the Local Alert Issues Procedure

- 24 None.

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Equality and Human Rights Implications

25 The Adults and Communities Department supports vulnerable people from all the diverse communities in Leicestershire. Complaints and compliments are an important way of ensuring that service responses are fair and equitable to all sections of society. This report does not highlight any specific equal opportunities implications.

Partnership Working and Associated Issues

26 The National Health Service Complaints (England) Regulations 2009 places a duty to co-operate on local authorities and health organisations. During the year, five complaints were handled under joint complaints protocols using an agreed joint complaints handling framework. No issues were experienced with partnership working.

Appendix

Appendix – Social Care Statutory Complaints and Compliments: Annual Report - April 2021 - March 2022