



**ADULTS AND COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE**  
**4 SEPTEMBER 2023**

**ANNUAL ADULT SOCIAL CARE COMPLAINTS AND**  
**COMPLIMENTS REPORT 2022-23**

**REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES**

**Purpose of report**

- 1 The purpose of the report is 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 2022-23. The annual report is attached as an Appendix.
- 2 The Committee is asked to note the report and are invited to make comments.

**Policy Framework and Previous Decisions**

- 3 The Committee last received a report on complaints and compliments on 5 September 2022, covering the year 2021-22. Reports are presented on an annual basis at the Committee's request.

**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 there is no agreed resolution at Stage 1, the complainant 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 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 2022-23.
- 10 Complaints and compliments about all other aspects of the Adult and Communities Department are reported separately as part of the corporate complaints process. These are reported annually to the Scrutiny Commission as part of the Corporate Annual Complaints and Compliments Report. The 2022-2023 report was considered at the Commission meeting held on 12 June 2023.

### **Partnership Working and Associated Issues**

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

### **Key Points**

- 12 Complaint volumes decreased very slightly in 2022-23 compared to the previous year (204 compared to 210).
- 13 When complaint volumes are set against the context of overall numbers in receipt of long-term support during the year (10,421), it is clear that a very small percentage go on to make a formal complaint (204 complaints which equates to approximately 2%).
- 14 For complaints resolved during 2022-23, the proportion where fault was identified decreased from the previous year (61 complaints or 30%, compared to 92 or 44%).
- 15 During the year, the LGSCO assessed or investigated 23 new complaints (approximately 12% of the total volume). This figure compares with 10 investigations started in 2021-22.
- 16 The LGSCO published Final Decisions on 24 complaints during the year. Fault was found in nine instances. This was an increase from 2020-21 (4). Details for each of the cases appear within the appended report.

- 17 72 (35%) complaints were resolved within 10 working days (67 or 32% in 2021-22) with 138 (68%) resolved within 20 working days. This represents a slight improvement at each point.
- 18 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 183 (90%) 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.
- 19 This year marks the first full year of reporting on timescales for complaints where a senior manager review was offered. This has proved an effective way of ensuring complaints have been appropriately remedied before escalation to the LGSCO.
- 20 44 complaints were reviewed by a senior manager during the year. There is no previous data to allow for comparative analysis.
- 21 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 a decrease in complaints relating to charging.
- 22 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.
- 23 There have been good examples this year of how systemic learning has been identified and implemented. In 20 cases (33%) where complaints were upheld, clear actions were highlighted by Investigating Managers that focus on improving future performance.
- 24 29 compliments were received about adult social care services during 2022-23. This is a significant decrease on the previous year (85) but continues to add balance to the annual report and recognises the good work that is also taking place across the Department.

### **Recommendations**

- 25 The Committee is asked to:
  - a) note the contents of the Adult Social Care Complaints Annual Report, covering the period 1 April 2022 to 31 March 2023.
  - b) provide comment and feedback on the content and analysis within the report.

### **Background Papers**

Report to Adults and Communities Overview and Scrutiny Committee: 5 September 2022  
– Annual Adult Social Care Complaints and Compliments Report 2021/22  
<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=1040&MId=6841&Ver=4>

Report to the Scrutiny Commission: 12 June 2023 – Corporate Complaints and compliments 2022/23  
<https://politics.leics.gov.uk/documents/s176678/Corporate%20Annual%20Report%202022-23.pdf>

### **Circulation under the Local Alert Issues Procedure**

26 None.

### **Equality Implications**

27 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.

### **Human Rights Implications**

28 There are no human rights implications arising from the recommendations in this report.

### **Officers to contact**

Jon Wilson  
Director of Adults and Communities  
Adults and Communities Department  
Tel: 0116 305 7454  
Email: [jon.wilson@leics.gov.uk](mailto:jon.wilson@leics.gov.uk)

Simon Parsons  
Complaints and Information Manager  
Corporate Resources Department  
Tel: 0116 305 6243  
Email: [simon.parsons@leics.gov.uk](mailto:simon.parsons@leics.gov.uk)

### **Appendix**

Social Care Statutory Complaints and Compliments: Annual Report - April 2022-March 2023