



ADULTS AND COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE
2 SEPTEMBER 2024

ANNUAL ADULT SOCIAL CARE COMPLAINTS
AND COMPLIMENTS REPORT 2023-24

REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES

Purpose of the Report

- 1 The purpose of the report is to provide members of the Committee with a summary of the complaints and compliments received in respect of adult social care services commissioned or provided by the Adults and Communities Department during 2023-24. The Annual Report is appended.
- 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 4 September 2023. This report covered the year 2022-23 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 care teams or through the Directorate without recourse to the formal complaints process. The Complaints Team does, 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 appended Annual Report fulfils this requirement and presents a summary of the complaints handled in 2023-24.
- 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 increased significantly during 2023-24 compared to the previous year (382 compared to 204).
- 12 When complaint volumes are set against the context of overall numbers in receipt of long-term support during the year (10,600), it remains the case that a small percentage go on to make a formal complaint (382 complaints which equates to approximately 2%).
- 13 For complaints resolved during 2023-24, the proportion where fault was identified increased from the previous year (190 complaints or 50%, compared to 61 or 30%). The principal factor affecting this was an increase where 'delay' was a primary cause.
- 14 During the year, the LGSCO assessed or investigated 19 new complaints (approximately 5% of the total volume). This figure compares with 23 investigations started in 2022-23.
- 15 The LGSCO published Final Decisions on 17 complaints during the year. Fault was found in four instances. This was a decrease from 2022-23 (nine). Details for each of the cases appear within the appended report.
- 16 Resolution of complaints has improved, with 164 (43%) complaints resolved within 10 working days (72 or 35% in 2022-23) and 279 (73%) resolved within 20 working days.
- 17 This shows that 363 (95%) of cases are responded to within 40 working days and just three complaints exceeded the statutory maximum time allowed (65 working days). These were complex cases all seeking a review of the original decision.

- 18 This year marks the second 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.
- 19 A total of 29 complaints were referred to a senior manager for review during the year if a complainant remained unhappy with an initial response provided to them. This was a reduction on the 2022/23 figure (44). Timeliness of responses at this stage also saw a significant improvement with 90% completed within 20 working days.
- 20 The most common complaint theme was again around care-planning. This is a broad area where complaints are often around professional decision-making and professional opinion. There are no significant changes to the types of complaint being made this year.
- 21 There have been good examples this year of how systemic learning has been identified and implemented. In 70 cases (37%) where complaints were upheld, clear actions were highlighted by Investigating Managers to improve future performance.
- 22 Whilst the report understandably focuses on complaints, adult social care services did receive 52 compliments during 2023-24. This is a healthy increase on the previous year (29) and continues to add balance to the annual report and recognises the good work that is also taking place across the Department. The majority of compliments highlight the professionalism, support, and empathy shown by the service during difficult times, examples of which are included in the Appendix.

Recommendations

- 23 The Committee is asked to:
- a) Note the Adult Social Care Complaints Annual Report, covering the period 1 April 2023 to 31 March 2024.
 - b) Provide comment and feedback on the content and analysis within the report.

Background Papers

[Report to Adults and Communities Overview and Scrutiny Committee: 4 September 2023 – Annual Adult Social Care Complaints and Compliments Report 2022/23 -](https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=1040&MId=7109&Ver=4)
<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=1040&MId=7109&Ver=4>

Circulation under the Local Alert Issues Procedure

- 24 None.

Equality 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.

Human Rights Implications

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

Partnership Working and Associated Issues

- 27 The National Health Service Complaints (England) Regulations 2009 places a duty to co-operate on local authorities and health organisations. During the year, 4 complaints were handled under joint complaints protocols using an agreed joint complaints handling framework. No issues were experienced with partnership working.

Officers to contact

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Appendix

Social Care Statutory Complaints and Compliments: Annual Report - April 2023 - March 2024