

Adult Social Care



Statutory Complaints and Compliments Annual Report April 2023 – March 2024

Contents

Statutory Complaints and Compliments Annual Report April 2023 – March 2024 ..	1
1. Purpose and Context of Report	2
1.1. Purpose & Scope	2
1.2. Background Context	2
2. Adult Social Care Complaints Procedure	3
3. Complaints and compliments recorded in 2023-24	4
3.1 Complaint Volumes	4
3.2 Complaints by Theme	4
3.3 Primary cause of complaints.	6
3.4 Joint Complaints.....	6
3.5 Compliments received 2023-24	7
4. Complaints resolved 2023-24.....	8
4.1 Responsiveness to complaints.....	8
4.2 Complaint Outcomes.....	9
5. Learning from Complaints	10
5.1 Corrective action taken.	10
6. Local Government Ombudsman.....	12
6.1 New complaints received by the Ombudsman 2023-24.....	12
6.2 Complaints resolved by the Ombudsman 2023-24	12
7. Monitoring the Process.....	14
8. Final Comments	14
Appendix A: Sample of compliments received 2023-24.....	15

1. Purpose and Context of Report

1.1. Purpose & Scope

The purpose of this report is –

- To report on Leicestershire County Council's (LCC) adult social care complaints and compliments activity from 1 April 2023 to 31 March 2024.
- To set out future developments and planned improvements.
- To meet the Council's statutory duty requiring the production of an annual report each year.¹

This report provides analysis and comment for Adult Social Care Services on all complaints managed under the statutory complaints process. Those complainants not qualifying under the statutory process have been considered under the County Council's Corporate Complaints and Compliments Annual Report presented to the Scrutiny Commission.

1.2. Background Context

The Adult Social Care Service sits within the Adults and Communities Department, and both arranges and supports the provision of a wide variety of services.

This includes helping people to remain living independently in their own homes with increasing levels of choice and control over the support they receive. When this is no longer possible, the department supports residential or home care as well as having lead responsibility for safeguarding adults at risk of harm.

10,600² people received long-term support from the Social Care service during 2023-24. This was a 1.7% increase on the previous year (10,421) primarily due to a significant rise in home care.

The department always aims to provide high quality services that meet the needs and circumstances of individuals and their families. The department actively promotes involving clients and carers in shaping services; using their skills and experiences to help ensure they meet customer needs. However, given the personal and complex nature of some adult social care services, sometimes things do go wrong.

The complaints process is a mechanism to identify problems and resolve issues. If things go wrong or fall below expectation, the County Council will try to sort things

¹ [Statutory Instrument 2009 no.309 \(18\)](#)

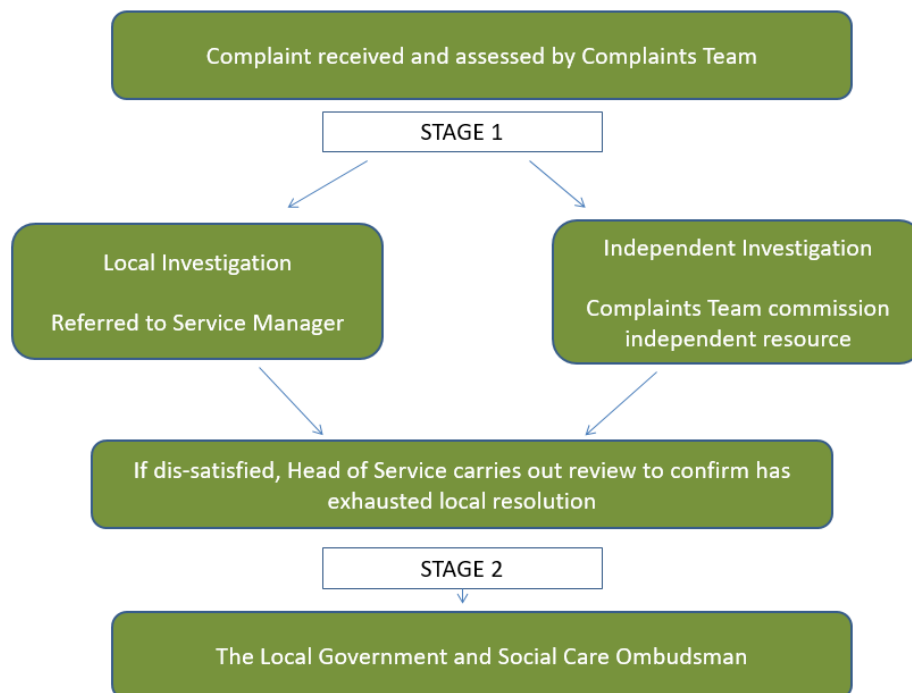
² Figures supplied by Performance and Business Intelligence Team

out quickly and fairly. Learning from our mistakes and concerns that are raised is used to make changes and improve services.

Analysis of information about complaints received during 2023 -24 gives Adult Social Care an opportunity to reflect on the quality of the services it provides and consider how well it listens and responds to service users.

2. Adult Social Care Complaints Procedure

The Local Authority Social Services and National Health Services Complaints (England) Regulations 2009 outlines the statutory responsibilities of the County Council. This is broadly set out below:



The above procedure was designed to offer Local Authorities flexibility to resolve complaints in the most appropriate manner. Stage 1 resolution can therefore consist of several processes (for example meetings or reviews) but the Local Authority must not unduly delay finalising this process which should always be concluded within 65 working days.

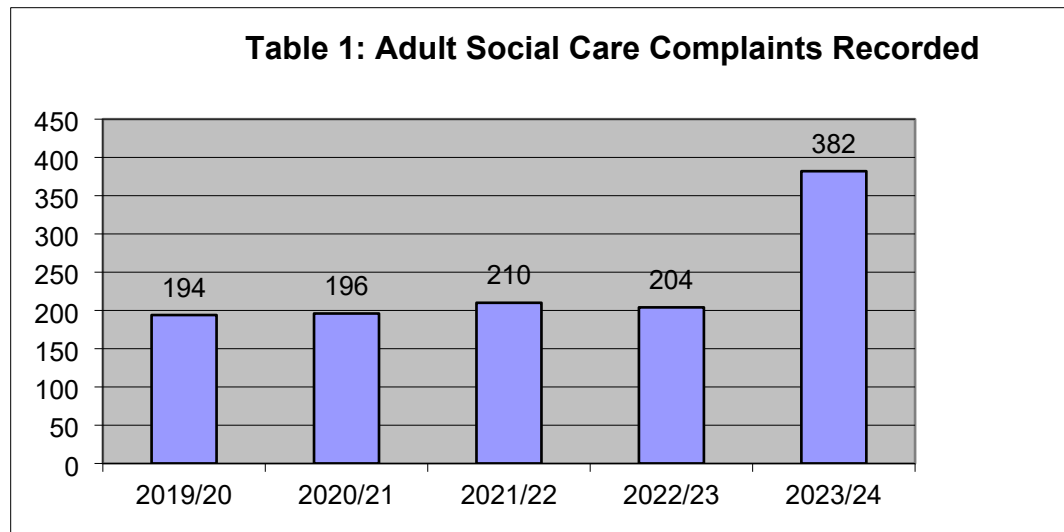
The Local Authority must advise all complainants of their right to approach the Local Government and Social Care Ombudsman should an agreed resolution not be found.

During 2023-24, no independent investigations were commissioned.

3. Complaints and compliments recorded in 2023-24

3.1 Complaint Volumes

Graph 1: Adult Social Care Complaints recorded over last 5 years.

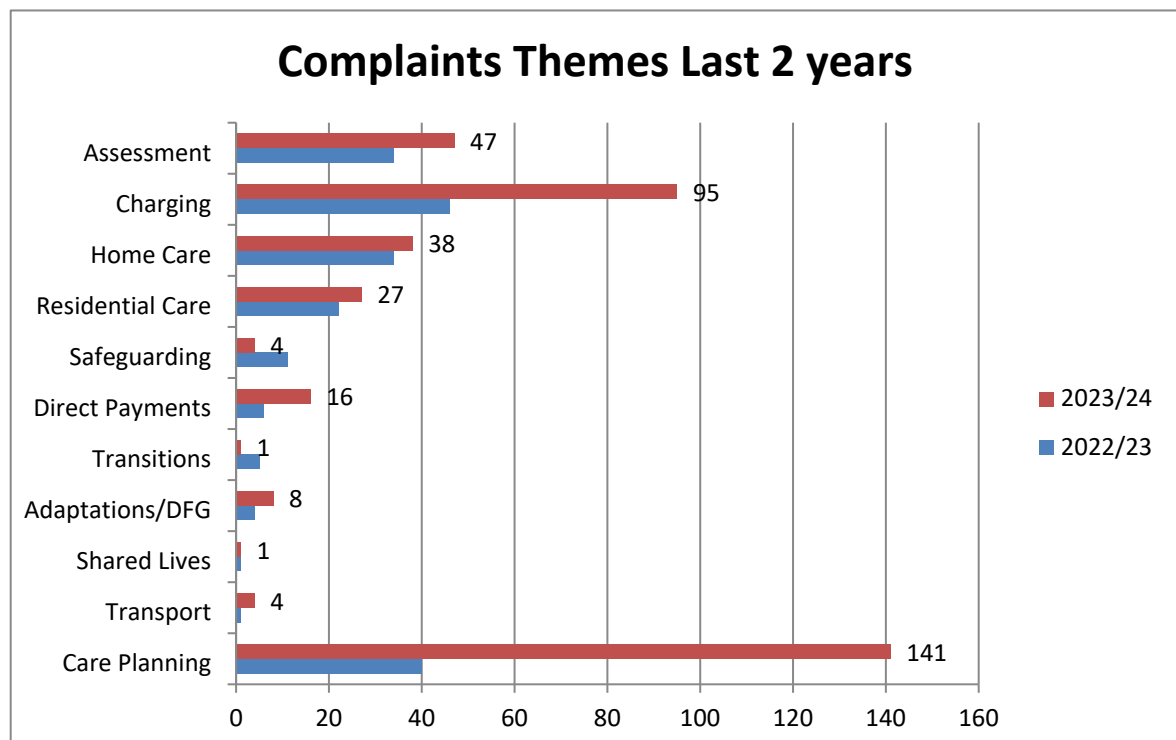


As illustrated above, the total number of social care complaints responded to this year increased significantly (87%) following several years of stability.

When considered against the context of service users in receipt of long-term support, complaints continue to represent a relatively low number at 1.9%.

3.2 Complaints by Theme

Graph 2: adult social care complaints by theme



Complaint themes mirror the Local Government and Social Care Ombudsman classifications and can provide helpful insight as to the underlying topics that are generating complaints.

The largest segment is also the broadest category around Care Planning. This equates to 37% of the overall volume.

Complaints were mostly about poor communication, delays and waiting times for allocation of workers or key decisions. This is also reflected in the higher uphold rate this year as complaints about delay are always more likely to be upheld than those about professional judgement or decision making.

Charging complaints continued to be received in significant volume during the year (35% of the overall volume). There is significant work taking place in this area to try to generate improvements but at the heart of the complaints are timescales for completion of financial assessments.

It is good to see that despite significantly more Home Care provision this is not an area generating additional complaint volumes.

Whilst the LGSCO has not yet released their annual report for 2023-24, it is important to note that in the most recent edition (2022/23), they stated the following:

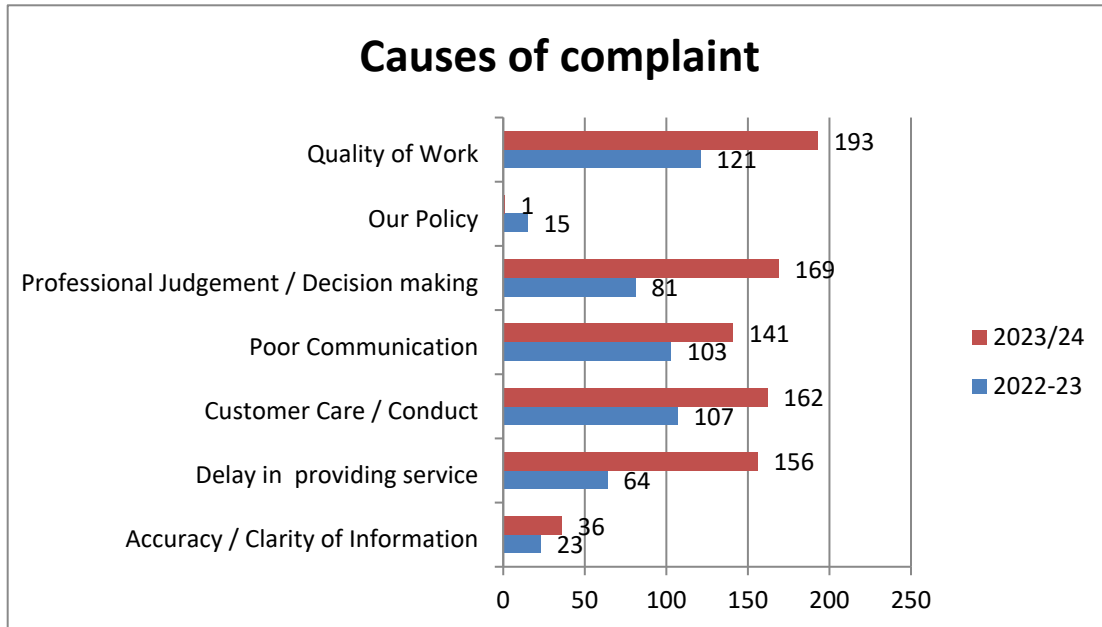
“The eight public interest reports focused on familiar issues – the challenges of timely and proper assessing and care planning, as well as charging for care and support”.

With this in mind, Leicestershire County Council’s complaints would seem to mirror the national picture.

3.3 Primary cause of complaints.

The Complaints team also undertake analysis of each complaint to try to understand any significant factors. This can help prioritise areas for the department to focus on improving.

Graph 3: Complaint causes for Complaints resolved last 2 years.



Recording allows for multiple causes to be selected. So, if a complaint features “delay” as well as “Customer Care” then both will be selected. It follows that the data above will not match the overall number of complaints resolved.

Quality of Work remains the most frequently identified topic cited within complaints. This is of little surprise as it is the broadest category, including for quality of home and residential care. There are far more cases this year with multiple categories selected which makes any compelling conclusions difficult to draw.

3.4 Joint Complaints

The Health and Social Care complaints regulations place a duty on Local Authorities to work together with health partners in responding jointly to complaints³. Leicestershire County Council accordingly has a joint complaint handling protocol, supported by a multi-agency group, which sets out common guidelines and approaches to this.

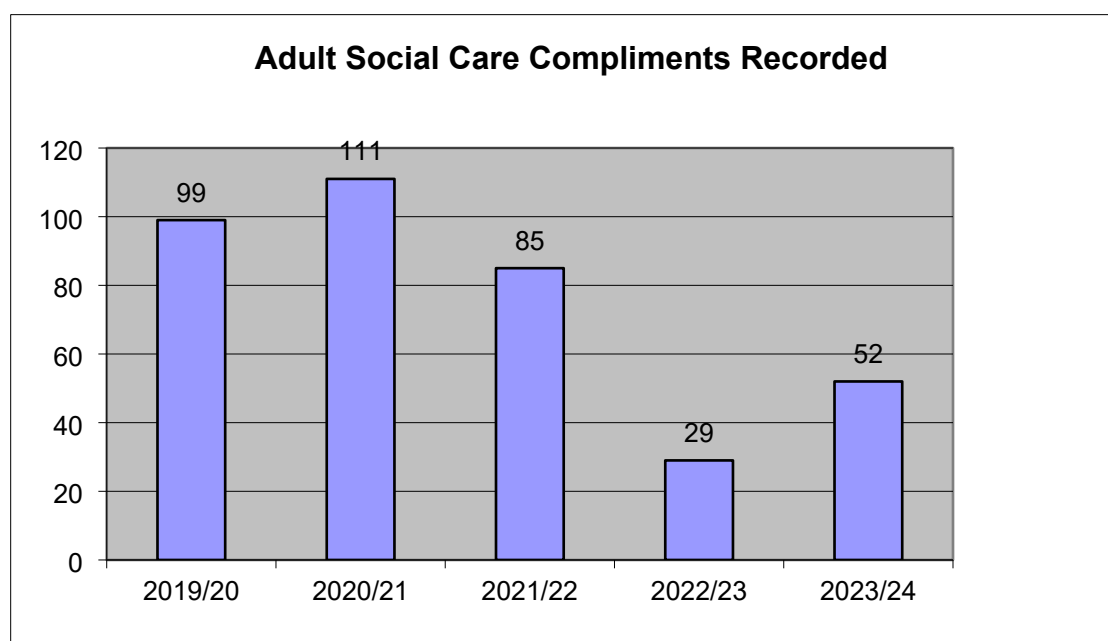
³ [Statutory Instrument 2009 no. 309 \(9\)](#)

Members include Leicester City Council, the Integrated Care Board (ICB), University Hospitals Leicester (UHL) and the Leicestershire Partnership Trust (LPT).

During the year 2023-24, two complaints were considered using the Joint Complaints protocol. No difficulties were experienced this year with partnership working.

3.5 Compliments received 2023-24

Graph 4 below shows the long-term trend in compliments recorded.



There has been an increase in compliments recorded during 2023-24 following the significant reduction last year. As many compliments are received directly by front line team, it is hard to say whether this is truly reflective of the overall amount.

It is always important to recognise the good work that is being delivered by the department and to provide balance within the complaints annual report. For this reason, the complaints' function does encourage the recording of un-solicited compliments which can either be submitted directly online or if received by council officers should be passed on for central recording.

A small selection of the compliments received can be found in Appendix A. They show some of the 'real-life stories' where Adult Social Care makes a huge difference to peoples' lives.

The Complaints team will continue to work closely with the department to try to reflect all the unsolicited feedback received across the teams and ensure visibility in annual reports.

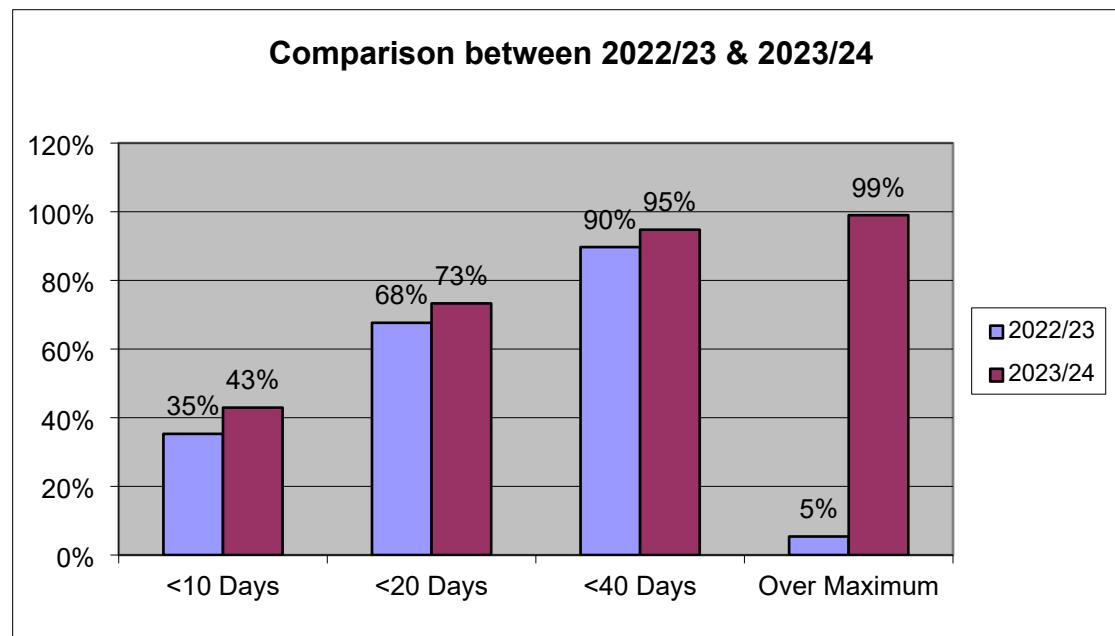
4. Complaints resolved 2023-24

The key performance indicators for speed of response, outcomes, causes and identified learning are linked to complaints that have been *resolved* within any given reporting period rather than received.

This is important as it ensures that full data sets can be presented, both to departments on a quarterly basis, and at year end. It also avoids the scenario whereby Ombudsman findings of maladministration might not appear in annual reports (where outcomes are not known at the time of production).

4.1 Responsiveness to complaints

Graph 5: Adult Social Care Performance at Stage 1



The above graph shows a further improved performance at each of the performance indicators. 73% of all complaints were responded to within 20 working days and 99% within the statutory timescale of 65 working days.

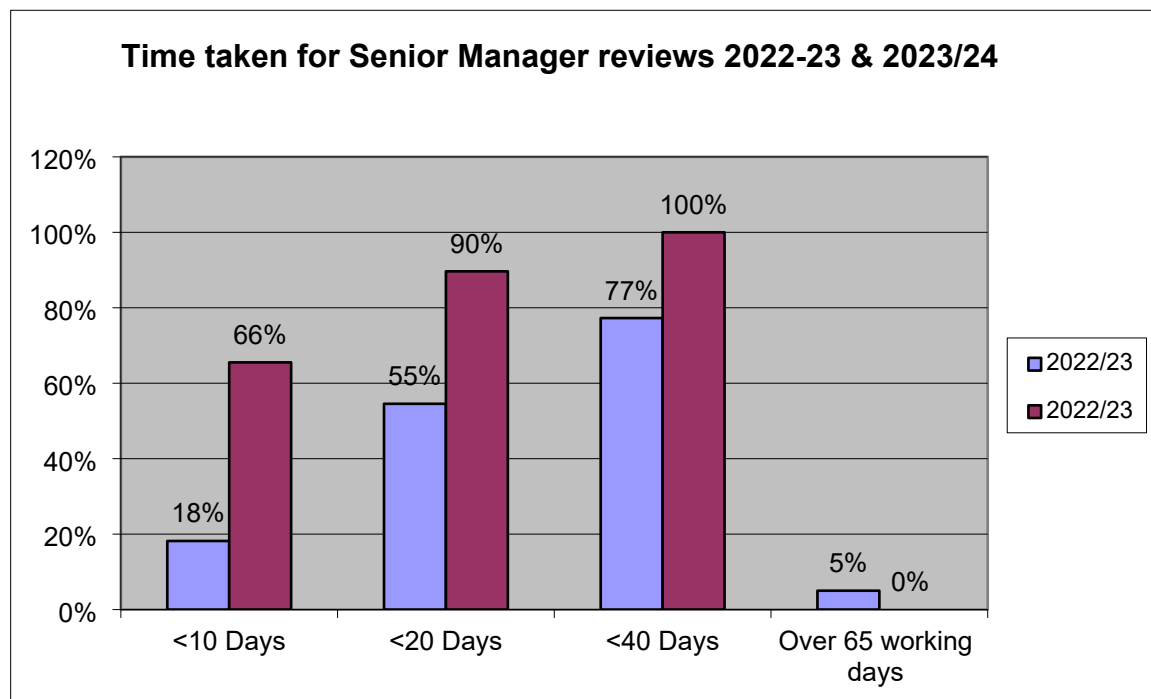
Whilst the statutory regulations give wide flexibility in terms of response times and allow up to 65 working days for complaints to be resolved, a key expectation of the public is that their concerns are dealt with promptly and this report provides good assurance of the department's commitment to this despite the challenges seen this year.

Adult Social Care Performance at Review Stage

29 complaints requested escalation to the Council during the year and were reviewed by a senior manager. This was a reduction on 2022/23 (44).

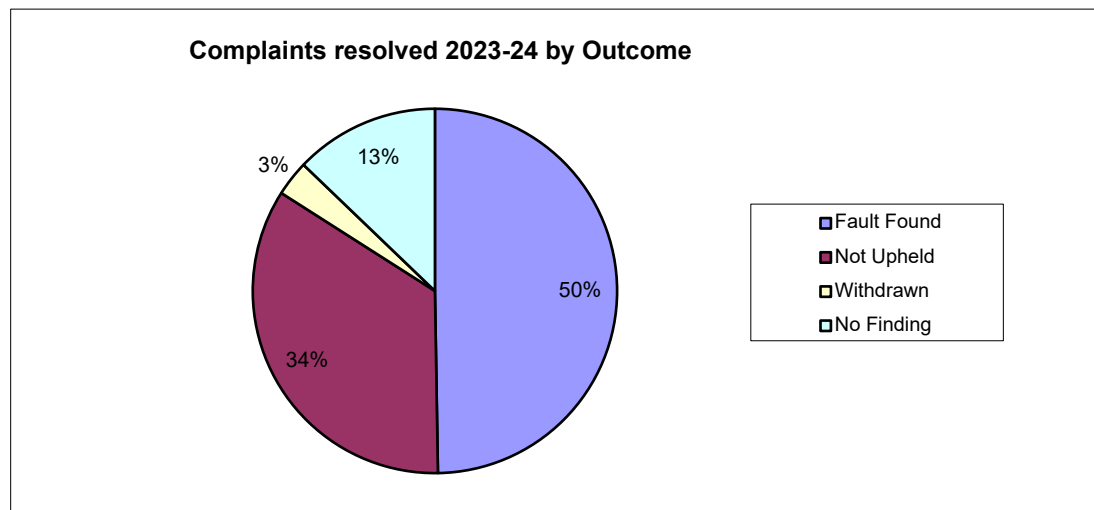
It is pleasing to see the clear improvement in timeliness of responses with 90% completed within 20 working days.

Graph 6: Adult Social Care complaints reviewed by Senior Managers



4.2 Complaint Outcomes

Graph 7: Adult Social Care complaints recorded by outcome.



Graph 6 above shows that 190 (50%) complaints were upheld. This is a significant increase on the previous year (31%) with the principal reason being the increase of complaints solely about delays. Prompt acceptance and ownership of any mistakes can help prevent costly complaint escalation including to Senior Managers and the Local Government and Social Care Ombudsman.

5. Learning from Complaints

Complaints are a valuable source of information which can help to identify recurring or underlying problems and potential improvements. We know that numbers alone do not tell everything about the attitude towards complaints and how they are responded to locally. Arguably of more importance is to understand the impact those complaints have on people and to learn the lessons from complaints to improve the experience for others.

Lessons can usually be learned from complaints that were upheld but also in some instances where no fault was found but the Authority recognises that improvements to services can be made.

Occasionally during an investigation, issues will be identified that need to be addressed over and above the original complaint. The Complaints Team will always try to look at the “bigger picture” to ensure that residents receive the best possible service from the Council.

5.1 Corrective action taken.

All the 190 complaints where fault has been found have been reviewed by the Complaints Team to ascertain what action the relevant department has taken, both in remedying the fault, and any wider learning to avoid such issues occurring in the future.

Remedial action typically consists of both individual redress (e.g., apology, carrying out overdue work) and wider actions that may affect many. The diagram below shows the actions taken during 2023-24. 37% of complaints upheld resulted in clear actions that should improve service for other residents. This is a slight increase on the previous year (33%)

Graph 7: Actions taken for upheld complaints 2023-24



The most common action taken was staff training. There are lots of good examples of this taking place both at individual and team level. These included:

- reminding teams of the need to keep accurate records.
- refresher training on safeguarding procedures
- challenging and escalating disagreements with discharge arrangements being proposed by Health partners.
- more thorough questioning of care providers when concerns are raised.
- bespoke training provided on dealing with dementia.

The most powerful are whole system changes, where it is identified that a process or policy needs amending. There were again several such scenarios during the year arising from local investigation. Notably:

- Review of resourcing levels to ensure improvement made to timeliness of completing financial assessments.
- Changes to IVR system to reduce wait times at front door and ensure calls routed more efficiently to the correct persons / teams.
- Better arrangements for ensuring duty teams are signposted if officers are on leave.

Financial redress was also arranged on several occasions this year and to ensure that the complainant was put back in the position they would have been in had the fault not occurred. Typically, this is re-imbusement of care costs where these had either been calculated wrongly or there was evidence that clear explanations were not given.

The Local Government and Social Care Ombudsman expects Councils to consider such financial redress as appropriate and has introduced new reporting this year highlighting those occasions where Councils have already put things right before consideration by the Ombudsman.

6. Local Government Ombudsman

6.1 New complaints received by the Ombudsman 2023-24

Should a complainant remain dissatisfied following internal consideration of their complaint, they can take their complaint to the Local Government and Social Care Ombudsman to seek independent investigation.

The Ombudsman will usually check with the Authority whether the complaint has exhausted the Local Authority's complaints procedure. Where this has not been done, the Ombudsman will usually refer the complaint back to the Authority, to give us an opportunity to attempt to resolve the complainant's concerns through our internal complaints processes first.

The Local Government and Social Care Ombudsman opened enquiries on 19 complaints during the year. This represents approximately 5% of the overall complaints.

6.2 Complaints resolved by the Ombudsman 2023-24

The Ombudsman made decisions on seventeen cases during the year with fault being found in 4 cases (24%). This represents a lower number of adverse decisions to last year (9) and a reduced proportion of fault (23%).

There were no decisions issued as Public Reports

Brief details for the four cases where fault was found appear below:

1. **Fault found on how the Council considered a deprivation of assets case.**

The Ombudsman did not find fault with the Council's decision making but did find fault that it had delayed in communicating the decision to the family.

The Council agreed to make an apology and a symbolic payment of £250 in recognition of this.

2. **A complaint regarding assessed charges following a move into a care home.**

The Ombudsman found that the Council had charged the service user in line with its policy but that there had been delays in communication which caused both uncertainty and frustration. It missed the opportunity to provide timely advice to the family.

The Ombudsman also found the Council took too long to complete a DOLS assessment.

The Council agreed to issue an apology and make a payment of £300.

3. A complaint regarding the quality of care delivered by a care home.

The Provider rather than the Council had responded to the formal complaint and had accepted fault and apologised to the family.

The Ombudsman determined that the Council (as the commissioner) should also make a payment of £300 and take steps to work with the provider on making improvements to record-keeping, dealing with pressure sores and identification of health concerns.

4. Sending of invoices to a service user having agreed previously not to do so.

The Council had already apologised for having sent an invoice to a service user having previously agreed to correspond with a representative. The Ombudsman agreed this was a suitable remedy and no further action was warranted.

For the remaining thirteen complaints

- In five cases the Ombudsman decided not to investigate, either because there was no evidence of any fault, or the matter had already been appropriately addressed by the Council.
- In five cases, the Ombudsman determined that the complaint was premature for them and asked the Council to respond through our complaints procedure.
- In two cases, the Ombudsman, after detailed investigation, was satisfied with the actions the Council had taken.
- In one case the Ombudsman concluded initial enquiries with a finding that the matters complained about were outside of his remit.

The Ombudsman also monitors remedies being carried out by the Council where fault has been found and remedial actions proposed. Failure to carry out remedies within agreed timeframes is recorded as non-compliance and can lead to public reports being issued. All 4 of the above cases were recorded as compliant (100%). This compares to the national average of 99%

7. Monitoring the Process

The Complaints Team continues to support Adult Social Care Services to manage and learn from complaints. The key services offered are -

1. Complaints advice and support
2. Production of Performance Reports
3. Liaison with the Local Government and Social Care Ombudsman
4. Quality Assurance of complaint responses
5. Complaint handling training for Operational Managers
6. Scrutiny and challenge to complaint responses

Assistance continues to be routinely provided to Service Managers and other associated managers in drafting responses to complaint investigations. This helps ensure a consistency of response and that due process is followed.

Quarterly performance reports are produced and delivered at Senior Leadership Team (SLT)

8. Final Comments

There has been a significant increase in complaint volumes this year following a stable period over the last few years.

It is clear that a significant factor is keeping up with demand and responding in a timely fashion. There are specific issues noted with timeliness of completing financial assessments but also clear that these are known issues and service improvement work is already taking place.

It is also encouraging that despite the volume increases, response timescales improved and there were less complaints escalating to the Ombudsman with fewer decisions finding maladministration.

Some of the complaints concerned delivery of care by providers and in these instances, complaints data is routinely shared with our Quality and Improvement team who work closely with providers in making improvements as required.

It is vital that service users are provided with a complaints process that is easy to access and fair. This year's Annual Report shows that Adult Social Care does listen and provides a number of examples of how complaints intelligence directly drives and improves service delivery.

Appendix A: Sample of compliments received 2023-24

- Thank you to S and G for the high level of support they both provided during a particularly stressful time for me personally.
- A massive 'Thank you' to the finance team for all your assistance over the past few months with the funding for my mother's residential care.
- Thank you, Y, for all your help and support over the last few months, it was greatly appreciated.
- Thank you to N & J Home First West for being outstanding, kind, professional and very helpful in arranging help for my parents.
- Thanks to P and your team for the work you completed at The Trees recently with our young person.
- We would like to offer our sincere thanks to S who has been a great help to us in arranging a care plan.
- E has been so caring to both mum and I and very quickly put a number of things in place to support us both. I'm so grateful.
- Thank you to B for the diligence, professionalism and empathy that you showed to my parents and me during a difficult time.
- Thank you, Z for all your help with a complex service user, your approach has helped in building a trusting relationship with him.
- Thank you, Z, for all the help and support that you provided to my parents during a very difficult time.
- I would like to thank J for listening and supporting me. J was very sympathetic, friendly and approachable.
- I would like to express my gratitude for the way H helped me though the financial confusion relating to set up of care funding for my aunt.
- Thank you, R, for the invaluable help and support you've provided to both my mother and me.
- Thank you, S, for all your help with a complex benefits case and to P for all of your help and advice.
- Thank you, M, for getting my son moved so quickly and for being compassionate and supportive. I finally feel safe and free.