



Cheshire West and Chester Council

Adult Social Care Complaints and Compliments

Annual Report
2022 – 2023

Introduction

This report provides information about the Adult Social Care Compliments and Complaints received by Cheshire West and Chester Council during the period 1 April 2022 to 31 March 2023. It highlights performance against statutory and internal timescales for complaint handling and provides assurance that improvements or revisions to services have been identified because of listening and responding to both compliments and complaints.

The Council's Customer Relations Team, within the Governance Directorate, was responsible for the coordination of compliments and complaints during this period. The Adult Social Care team are responsible for responding to complaint matters and satisfying themselves that providers have dealt with complaints appropriately. The Customer Relations Team review draft responses answered by the Council and provide advice and support to the service on reasonable outcomes or remedies to complaints, from a layperson's perspective.

In accordance with statutory guidance, responses to complaints received by the Council should be proportionate. Officers are encouraged to resolve matters locally at the first point of customer contact to avoid escalation. Concerns raised with the service and resolved by close of play the following day are not counted as statutory complaints. Where this approach does not deliver a satisfactory outcome for the complainant, matters are then directed through the formal complaints' procedure. See Appendix A for full details of Statutory complaints procedure and Appendix B for eligibility criteria.

The objectives of this report are to:

- be open and transparent about our social care complaints process
- meet our statutory obligation to produce an annual report
- provide clear and concise comparative data on compliments and complaints, including details of complaints broken down by subject and service area
- provide a summary of customer profile and type of customer interaction
- identify service improvements as a result of complaints and compliments and demonstrate learning and improved practices and processes from these

Context

Whilst considering this report it is important to see the overall picture of Adults Social Care involvement in the Cheshire West and Chester area. During this period 15,637 customers received service from Adult's Social Care teams. 19 formal complaints were handled representing less than 0.1 % of service users.

PERFORMANCE ACTIVITY 2021/22

1.1 Summary of Complaint Activity

A total of **83** representations were received this year. Of these **19 formal complaints** were accepted.

Of the remaining representations:

- 40 were treated as a 'request for service' (defined as when contact is made for the first time to make a request for something that would not be considered a complaint).
- 2 did not proceed as they were withdrawn by the complainant, usually because the service has resolved the issue to the customer's satisfaction without the need to progress a formal complaint.
- 22 cases were refused as 'ineligible' as there was a more appropriate alternative pathway to address the concerns raised, such as via the Corporate Complaints process.

1.2 Comparison with Previous Years

The table below shows the number of representations and progressed complaints for 2022/23 compared with the previous three years.

Table 1: Total number of complaints considered

Year	Total no. of valid complaints processed	Request for service	Withdrawn/ not pursued	Ineligible / Redirected	Total no. of representations considered
2022-23	19	40	2	22	83
2021-22	26	50	5	14	95
2020-21	28	45	4	25	102
2019-20	35	24	6	21	86

1.3 Number of Complaints - Observations

The Customer Relations Team continues to focus its efforts on the initial triage of complaints and identifying opportunities for promoting early resolution of issues raised, or signposting to better, more appropriate, routes.

The overall figure of valid complaints represents a significant decrease in the number of complaints investigated by the Council than in the previous year, reflecting a continued downward trend in formal complaints. This is also evident in the number of overall representation's;

In 2021 –2022 **27%** of enquires became formal complaints

In 2022 –2023 **22%** of enquires became formal complaints

An indicative measure of early resolution being achieved by adult services.

1.4 Complaint Outcomes

Table 2 below shows the outcomes of the 19 complaints investigated.

Table 2 - Outcomes and comparisons with previous years

Year	Upheld	Partially upheld	Not upheld	Outstanding	Total
2022-2023	3	6	9	1	19
2021-2022	5	10	11	0	26
2020-2021	13	8	7	0	28
2019-2020	8	15	12	0	35

The percentage of 'upheld' cases continues to decrease year on year.

1.5 Breakdown of complaints received by Service Area

Table 3 shows a breakdown of complaints received by each service area.

Table 3 – Breakdown of complaint by service area

Service Area	Customer Numbers by Area	2022-23	2021-22	2020-21	2019-20
Prevention and Wellbeing					
Northwich & Winsford Patch Team	1824	1	2	3	4
Chester, E.Port & Rural Patch Team	4005	11	8	15	19
Learning Disability Team	1347	2	4	2	2
Occupational Therapy	5377	0	3	3	1
Review Team	211	1	1	0	0
Reablement and Provider Services	142	0	0	0	0
Community Mental Health	799	0	1	2	0
Hospitals Social Work Teams	1295	2	3	2	5
Safeguarding Team*	20	0	0	0	2
Client Finance	5	0	0	0	1
Commissioning	323	1	1	0	0
Emergency Duty Team	140	0	0	0	0
Community Access Team	2953	0	0	0	0
Solutions Team (new team)	155	0	0	0	0
Home Assessment Team (HAT) & Placement Assessment Team	959	0	1	0	-
Visual Impairment Team	864	0	0	0	-

Service Area	Customer Numbers by Area				
Other**VIVO	775	1	2(MCA & DOLS)	1(MCA & DOLS)	1
Total	21,194	19	26	28	35

*Relates to complaints about the safeguarding process or the complaint doesn't meet the threshold for initiating a safeguarding investigation.

**Where not already included in other teams

In most cases the number of complaints against service area has remained the same or with a small change. For each service area the volume of complaints reflects less than 1% of the customer numbers by area.

The higher number of complaints for the Chester, Ellesmere Port and Rural patch, is the usual pattern and reflects the higher population in this area.

1.6 Complaints by Subject

By their nature, adult social care complaints are very specific to the circumstances of the individual and cover a wide range of individual experiences, often relating to more than one aspect of a service that has been received. Complaints received by the Council have been classified based on the 'primary' area of concern (subject) raised by the complainant.

Detailed below are the numbers of complaint that fall within each category:

Table 4 – Complaint Subject

Complaint Subject (primary area of concern)	2022-23	2021-22	2020-21	2019-20
Standard / Quality / Appropriateness of Service	12	14	19	23
Ignoring Concerns	2	3	2	1
Appropriateness of service (care package)	1	1	3	1
Issues with Provider	1	1	5	8
Inaccuracies in assessments	4	0	0	3
Lack of support (including delay)	2	5	6	8
Standard of care	2	4	3	2
Social Worker – Attitude or Behaviour	0	0	0	1
Social Worker – Communication & Information	2	4	1	7
Financial / Cost Issues*	5	8	8	4
Total	19	26	28	35

- There continues to be a high number of Financial/Cost issues complaints received, this is in part due to a last route for residents to appeal a financial waiver to care cost after a panel outcome. If they have been through the appeal panel and they are unhappy with this result they can complain – these have gone through the ASC route as in relation to care costs.
- There has been an increase in the recording of inaccuracies in assessments as the main complaint cause. These complaints are often linked to finance in disagreements over assessments and subsequent charging/payments.

1.7 Complaint Response Times

The table 5 shows a breakdown of response times in working days of all cases.

Table 5 – Compliance Rates

No. of Working Days	2022-2023	2021-2022	2020 -2021	2019-20
20 working days or less	2	12	6	7
21-40 working days	4	6	5	10
41-60 working days	8	3	2	6
61-80 working days	0	1	2	6
81-100 working days	2	0	4	2
Over 100 working days	3	4	9	4
Total	19	26	28	35

There is no statutory requirement to respond to complaints within 20 days and adult social care cases are often complex, involve the wider family, and tend to take longer to investigate and form an appropriate response.

Where complaints have been identified as complex complainants are informed from the outset that their response deadlines would most likely exceed 20 days both the Customer Relations team and the service inform the customer of any further delay as soon as they can.

1.8 Point and Method of Receipt of Complaints

The Customer Relations Team has recorded both the 'point of receipt' and 'method of receipt' of complaints into the Council. This intelligence can help support service improvement decisions.

Table 6 shows that the established systems for ensuring that complaints are directed to the Customer Relations Team for initial assessment are working well,

with those sent into the service re-directed to the Customer Relations Team for triage and logging.

Table 7 shows a continued preference by customers in contacting the Council using the on-line complaint form/email, and that the implementation of Firmstep in the second half of the year has been taken up by most service users.

Monitoring of complaint and enquires received dates suggested a slight increase in the second half of the year after the introduction of Firmstep.

We recognise that not all our residents will want to use digital method and complaints can still be posted or made verbally at all points of access into the council.

Table 6

Point of receipt	2022-23	2021-22	2020-21	2019-20
Service Area	2	5	9	7
Customer Relations Team	14	14	18	23
Director/Head of Service	1	4	1	2
Chief Executive	1	0	0	0
Other	1	3	0	3
Total	19	26	28	35

Table 7

Method of receipt	2022-23	2021-22	2020-21	2019-20
Letter	3	3	2	2
Telephone/verbal	0	0	2	1
Email	2	13	16	22
Online complaints	6	9	5	9
Feedback Form	0	1	3	1
Firmstep	8	N/A	N/A	N/A
Total	19	26	28	35

1.9 PROFILE/CATEGORY OF COMPLAINANTS

A summary of customer profile and type of customer interaction has shown the following:

Table 8

Person making the complaint	2022-23	2021-22	2020-21	2019-20
Care recipient	6	2	4	11
Parent/s	0	6	5	2
Grandchild	0	0	0	0

Husband / Wife	3	2	1	0
Sibling	2	0	0	2
Executor	0	0	0	0
Son / Daughter	7	15	17	16
Advocacy service	1	0	1	4
Friend	0	1	0	0
Unknown (did not identify)	0	0	0	0
Total	19	26	28	35

2.0 Local Government and Social Care Ombudsman (LGSCO)

The Ombudsman reports on local authority figures based on the number of cases it receives in the reporting year; the number of decisions it makes in the reporting year (which may include cases ongoing from the previous year) and the Council's compliance with any recommendations.

In 2022-2023 the Ombudsman:

- Received 70 complaints, 17 of which concerned Adults Social Care (24%)
- Made decisions on 68 complaints, 17 of which concerned Adults Social Care (25%)
- Upheld 8 complaints, 3 of which related to Adults Social Care (38%). This is an improvement on 2021-2022 when the Ombudsman upheld 6 complaints relating to Adult Social Care.

Of the 3 Upheld complaints, one related to Disability-related Expenditure, and two to a financial assessment. Two of the cases completed their remedies in time, one was recorded as late. This is an improvement on 2021-2022 where 3 complaints were remedied late and demonstrates that the Council has heeded the Ombudsman's advice from last year to consider how it might make improvements to act on our recommendations with the agreed timescales.

Details are in the table below :

Ref	Summary	Recommendations/Agreed Actions	Remedy Satisfied?
22009905	<p>Ms X complains the Council was at fault in the way it dealt with her application for some of her costs to be considered as Disability Related Expenditure. We found no fault in the way the Council decided not to include the costs. But we found fault as the Council delayed in considering Ms X's request for a review of its decision causing her distress, and uncertainty over her financial situation. We recommended a suitable remedy so have completed our investigation.</p>	<p>The Council will apologise to Ms X for the delay in dealing with her review request and pay her £150 in recognition of the distress, uncertainty and time and trouble she has been caused.</p> <p>The Council will consider adding in a timescale for deciding a DRE review request when updating its DRE appeal process. And to ensure service users are updated if the review is to take longer than the timescale proposed.</p> <p>The Council will provide us with evidence it</p>	Remedy complete and satisfied

Ref	Summary	Recommendations/Agreed Actions	Remedy Satisfied?
21010265	<p>Mrs X complains about the charges for her son's care after he left a care home to live with his family because of COVID-19. Although the Council agreed to waive 50% of the charge, Mrs X says this left her son without enough money to contribute towards the family's increased household costs. The Council failed to review Mr Y's needs or consider ending his placement when he went to stay with his family. This prevented him from accessing all his money and caused avoidable distress to his family. The Council needs to apologise, waive all Mr Y's charges since 1 June 2020 and pay financial redress to his family.</p>	<p>When a council commissions another organisation to provide services on its behalf it remains responsible for those services and for the actions of the organisation providing them. So, although we found fault with the actions of the care provider and the Council, I have only made recommendations to the Council.</p> <p>33. I recommended the Council within four weeks:</p> <p>Final decision 6</p> <ul style="list-style-type: none"> • writes to Mrs X apologising for the failings I have identified; • waives all Mr Y's charges since 1 June 2020; • pays his grandparents £400 for the distress they have been caused; and • pays Mrs X £300 for the distress she has been caused and the time and trouble she has been put to in pursuing the complaint. 	Remedy complete and satisfied

Ref	Summary	Recommendations/Agreed Actions	Remedy Satisfied?
22008710	Mr B complained about the action the Council took when carrying out a financial assessment of his father Mr C, in respect of residential care charges and an increase in his care needs. We found fault in the actions of the Council which caused Mr B distress, uncertainty and time and trouble. The Council has agreed to apologise to Mr B, pay him £500 and improve its procedures for the future	In recognition of injustice identified above I recommended the Council: 42. within one month of the date of my final decision: • apologises to Mr B and pays him £500; and • agrees with Mr B a reasonable period of time over which to pay the outstanding care charges. 43. within three months: • reviews its procedures once a financial assessment is completed to ensure: a. all interested parties are notified promptly in writing of the decision and the reasons for it; b. the social care team updates its records correctly; and c. the finance team sends out revised invoices promptly. • reviews its procedures to ensure family members are involved in discussions and decisions about care.	Remedy complete late

3.0 **COMPLIMENTS RECEIVED**

There has been a decrease in the number of compliments recorded in this year's reporting. This is an area that both the Customer Relations Team and the service will include as part of the current review that is taking place, referred to in point 5 below.

Table 9

Year	2022-23	2021-22	2020-21	2019-20
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No. of Compliments	91	177	83	93
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A selection of compliments recorded are included below as examples:

- *I would like to thank my mum's social worker, xxxx who has been absolutely outstanding, kind and extremely supportive regarding finding the right care for my mum..... Please pass my families huge thanks to her. We are so grateful and believe Cheshire West are extremely fortunate to have xxxx work with you providing such a high level of care. Thank you so much xxxx*
- *I had an extra stair rail fitted only a few days after my call with xxxx, it has made a vast difference, they have fitted it so well, we have plaster board and the gent has screwed it to the brick so it is extremely solid. I no longer feel scared or frightened when going up and down the stairs, it is absolutely smashing the raised toilet seat is almost perfect in height and has helped a great deal! The perching stool is great and allows me to stay at the hob when cooking my porridge. I am so pleased with everything you have done for me I can't thank you enough.*
- *I cannot express how please we have been with the service given. The team have been wonderful. Patient, kind, fun and reassuring. They have been a joy every single visit and we will miss them. Their warmth and professionalism in a difficult job. Thank you so much, we will miss you.*
- *Hello, Over the last few months I have had to be in touch with xxx over the health and finance of my mum. I felt I needed to contact you as I'm so grateful for all the amazing support xxxx has been to me and mum. I felt quite anxious when I knew I'd have to contact Social Services as I'd not done it before. But from the very first phone call with xxxx I was so reassured by her manner and willingness to help me through the whole process. And her professional help and kindness has been there the whole time. So thank you so very much for your great team.*
- *....xxxx help, support and presence over that most stressful of weeks was absolutely invaluable and crucial in keeping us from despair. He showed us that there were options and that we could get my mother in law well looked after, and constantly was checking in and working on our behalf. Social services often get a very bad press, but I cannot praise them highly enough for what they did for us in our moment of need, especially xxxx! I would be very grateful if he, and the department, get the recognition they deserve.*

4.0 LEARNING AND SERVICE IMPROVEMENT

The Council has identified areas and opportunities from which learning can be taken from the complaints and the compliments process and used to improve future service delivery.

4.1 Learning from Complaints Cases

There have been some learning actions/remedies from complaints cases:

...you raised that there was a complete lack of clarity on what you should expect from the financial assessment process. I confirmed to you your feedback is important as this is the best way to improve the service we provide.

A training session has been completed with the Team to highlight the issues raised.

I am sorry that the charges were not made clear to you at the time of the assessment and that a delay in loading the care plan meant that you did not receive a bill for the Social Care your mother received between Therefore, your complaint has been upheld. ...

All Adult Social Care staff have been reminded of the need to load assessments and care plans on the system in a timely manner.

I have found your complaint to be partially upheld, as XXXX failed to reinstate the calls for the xxxxx 2023. As a result of my investigation, I would like to reassure you that we will be taking the following steps to remedy the situation and ensure that this does not happen again:

XXXX have raised the issue with their rostering system with their IT supplier a backup process has now been put in place in the event of systems failing again in the future. The Council will follow up with their regular monitoring meetings.

5.1 FUTURE PLANS FOR COMPLAINT HANDLING

5.1 ICT:

As detailed in last year's Annual Report, Firm Step has been introduced for Adult Social Care complaints reporting as of October 2022. This has simplified the previous approach as it provides a single system for coordinating and reporting of complaints, and compliments, which should improve the customer experience.

5.2 Reporting

The format of the Social Care reports for 2022 -23 has been amended in line with recommendations made by Task Group and Scrutiny Panel from 2021 –2022 reporting.

The Customer Relations Team are revising reporting methods, with the introduction of a monthly Scorecard for the Governance Service, Compliance Reporting schedule and aligning with the Customer Experience Dashboard in conjunction with our new Lead Customer Experience Officers. The review will review all aspects of the Customer Experience in addition to complaints and compliments. Suggestions on how to improve reporting should be directed to the Customer Relations Team.

End report

APPENDIX A

STATUTORY COMPLAINTS PROCEDURE

The Adult Social Care Complaints Procedure

The Local Authority Social Services Act 1970, as amended by the National Health Services Act and Community Care Act 1990 and the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, require the local authority to have a procedure for the handling and consideration of complaints received by, or on behalf of, adult service users. A local authority must also ensure that action is taken if necessary, in the light of the outcome of a complaint. To comply with the above requirements, Cheshire West and Chester have adopted the operational procedures set out in section 1 of this report.

Role of the Customer Relations Team

The Customer Relations Team is responsible for the handling and consideration of complaints and acts as a central point through which complaints can be made to the Council. Complaints can be made via telephone; in writing; through the online social care complaints portal; or directly to the dedicated social care complaints email inbox. Complaints received directly by the Service should be referred to the Customer Relations Team to be assessed for eligibility.

The Customer Relations Team, often in liaison with the Service, will determine whether a complaint is eligible for consideration under the statutory framework or whether an alternative route (for example safeguarding or through the corporate complaints process if the issue complained about is not related to the quality of care provided) would be more appropriate.

The Customer Relations Team offer training, advice and support to staff in their consideration of complaints and perform a quality assurance role in the preparation of complaint responses. The Team also liaise with complainants to keep them informed on progress with their complaints and provide advice about the complaints process and the role of the Local Government & Social Care Ombudsman.

The Team also coordinates the completion of Learning Action Reports for the service, which capture the learning and improvements identified through responding to complaints. This is recorded and reported centrally and monitored to ensure that the implementation of identified, agreed actions following the outcome of complaints is carried out. Learning is shared with other services, where it is relevant to do so, in order to improve service delivery Council-wide.

What is a Complaint?

Any expression of dissatisfaction about a council service (whether that service is provided by the council or by a contractor, commissioned provider or partner) that requires a response. There is no difference between a 'formal' and an 'informal' complaint. Both are expressions of dissatisfaction that require a response.

Who Can Make a Complaint?

Anyone can make a complaint if they receive a service from Adult Social Care. Complaints can also be accepted from individuals acting on behalf of a service user, for example from an advocate or family member, if the service user has given consent. Where a service user's capacity to make informed decisions may be in question, the Customer Relations Team (in conjunction with the Service Team Manager) will look at whether the person pursuing the complaint is acting in the service user's best interests.

People who fund their own care (self-funded users) for services that are regulated by the Care Quality Commission do not fall under this procedure as they are not using Council services.

Adult Social Care and Health Complaints Procedure

The current Adult Social Care and Health complaints procedure consists of a single response to the complainant, followed by a right of referral to the independent Local Government and Social Care Ombudsman.

Complaints are always assessed, or 'triaged', by the Customer Relations Team to identify any potential safeguarding risks or concerns that need immediate attention. Where safeguarding issues are identified, those matters are redirected to be considered under the appropriate safeguarding procedures without delay. Where there are no obvious safeguarding concerns complaints are referred via the Customer Relations Team to a Senior Manager to be considered through the social care complaints procedure. All, or parts of, a complaint may not be eligible under the social care complaint process. Where this is the case all non-social care elements will be referred to the corporate complaints policy or a more appropriate 'alternative path' and the customer kept informed about how their complaint, or parts of their complaint, will be dealt with.

Commissioned providers are expected to have robust complaint procedures in place, and an appropriate reporting mechanism for these in order to keep the Council updated. As the Council retains overall accountability for the services delivered by commissioned providers, it reserves the right to accept a complaint into its own ASC complaint process if it considers it warrants further investigation, for example, if it decides that the provider's response does not answer the complaint, address the injustice or offer a reasonable remedy. Where there are immediate contractual concerns these will be followed up outside of the complaint process by the Commissioning Service.

The Customer Relations Team will work with the Service and the Commissioning Team to monitor these complaints and provide advice and support.

Initial Expressions of Dissatisfaction

Complaints received directly by the Service (or elsewhere) that, from initial assessment, look like they can be resolved by close of play the following day, are not required to proceed through the complaints process. These concerns/issues are often relatively minor, and resolution can most easily be addressed locally through the service. The customer is always advised how they can progress their complaint if they remain dissatisfied.

Formal Resolution

Complaints considered under the formal procedure are acknowledged within three working days and information is provided to the customer about the complaints process and how to access advocacy support.

Complaints are allocated to the relevant Senior Manager who will discuss the complaint, where necessary, with the complainant. The scale and the nature of the investigation are intended to be proportionate to the complaint and may include an initial telephone call; face to face meetings with complainants; interviews with staff; paper reviews of records; policies and procedures examination, etc.

Responses to all complaints should be concluded within the statutory 6 months deadline unless exceptional circumstances prevent it and an alternative deadline is agreed in advance with the complainant or their representative. However, the Council has set itself a challenging, much shorter, internal target to aim to complete non-complex complaints within 20 working days. It is intended that, as far as possible, most complaints should be resolved by a single thorough response. Due consideration will be given to any request from a complainant to consider further the outcome of any complaint and this is at the Customer Relations Manager's discretion following consultation with the service. An expression of general dissatisfaction with the outcome of the complaint will not normally lead to the response being revisited.

Following conclusion of the complaint process the complainant has the right to pursue the matter further with the independent Local Government and Social Care Ombudsman (LGSCO) if they feel the matter remains unresolved.

Safeguarding

The Customer Relations Team liaises directly with the Adult Safeguarding Team, and with the relevant Social Care Team as appropriate. Contact is maintained with the Safeguarding Unit to discuss individual complaints and agree appropriate approaches if there are any safeguarding concerns. When Safeguarding thresholds are met, the contact will be dealt with via a Safeguarding investigation, rather than through the complaint process.

APPENDIX B

What makes a valid complaint under the Adults Social Care Complaints Process

Eligibility is established by the Customer Relations Team in conjunction with the Service as follows:

- That the person complaining is eligible to make a complaint : Anyone who receives an adult social care service, or who has been refused a service, can make a complaint. A carer, friend, relative or advocate can also complain on their behalf. If making a complaint on behalf of another person we will need to ask them their consent.
- A complaint may be generally defined as an expression of dissatisfaction or disquiet in relation to an individual which requires a response. You can complain about any aspect of the service provided to you by Adult Social Care – about its quality or reliability, about the way you have been treated, or about the way that decisions have been taken by our staff.

Exemptions from the Complaints Procedure

- If the person complaining does not meet the requirement of “who can complain”
- If the complaint is not in relation to the actions or decisions of the Adult Social Care Service within the Local Authority, or of any Body acting on its behalf.
- If the same complaint has already been dealt with via the complaint process
- Data Protection Matters
- Out of Time (needs to be within 12 months of when the issue happened)

The Local Authority has the discretion to not deal with a complaint if they feel it would prejudice the following concurrent investigations:

- Court Proceedings
- Tribunals
- Disciplinary Proceedings
- Criminal Proceedings

If this is the case, the Local Authority will write to the complainant explaining the reasons for the decision.