



Cheshire West and Chester Council

Adult Social Care Complaints and Compliments

Annual Report
2021 – 2022

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 2021 to 31 March 2022. It highlights performance against statutory and internal timescales for complaint handling and provides assurance that improvements or revisions to services have been identified as a result 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 all 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 wherever possible. 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 14,414 customers received service from Adult's Social Care teams. 26 formal complaints were handled representing less than 0.2 % of service users.

PERFORMANCE ACTIVITY 2021/22

1.1 Summary of Complaint Activity

A total of **95** representations were received this year. Of these **26 formal complaints** were accepted.

Of the remaining representations:

- 50 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).
- 5 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.
- 14 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 2021/22 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
2021-22	26	50	5	14	95
2020-21	28	45	4	25	102
2019-20	35	24	6	21	86
2018-19	30	33	7	20	90

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 decrease compared to the number of complaints investigated by the Council in the previous years, reflecting a downward trend in formal complaints. This is also evident in the number of overall representations; an indicative measure of early resolution being achieved by adult services.

1.4 Complaint Outcomes

Table 2 below shows the outcomes of the 26 complaints investigated.

Table 2 - Outcomes and comparisons with previous years

Year	Upheld	Partially upheld	Not upheld	Outstanding	Total
2021-2022	5	10	11	0	26
2020-2021	13	8	7	0	28
2019-2020	8	15	12	0	35
2018-2019	11	9	10	0	30

The percentage of 'upheld' cases has decreased compared to previous years and the percentage of cases 'not upheld' has increased.

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				
Prevention and Wellbeing	2021-22	2021-22	2020-21	2019-20	2018-19
Northwich & Winsford Patch Team	1768	2	3	4	1
Chester, E.Port & Rural Patch Team	3775	8	15	19	12
Learning Disability Team	1267	4	2	2	4
Occupational Therapy	5240	3	3	1	2
Review Team	143	1	0	0	0
Reablement and Provider Services	38	0	0	0	1
Community Mental Health	797	1	2	0	4
Hospitals Social Work Teams	633	3	2	5	3
Safeguarding Team*	19	0	0	2	0
Client Finance	3	0	0	1	1
Placement Assessment Team	0	1	0	0	0
Strategic Commissioning	0	1	0	0	1
Emergency Duty Team	140	0	0	0	1
Community Access Team	2210	0	0	0	0
Solutions Team (new team)	181	0	0	0	0
Home Assessment Team (HAT)	1154	0	0	-	-
Visual Impairment Team	868	0	0	-	-

Service Area	Customer Numbers by Area				
Other**	304	2(MCA & DOLS)	1(MCA & DOLS)	1	0
Total	18540	26	28	35	30

*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 reflects the higher population in this area, although complaints into this team have significantly decreased this year (60% drop).

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)	2021-22	2020-21	2019-20	2018-19
Standard / Quality / Appropriateness of Service	14	19	23	22
Ignoring Concerns	3	2	1	1
Appropriateness of service (care package)	1	3	1	1
Issues with Provider	1	5	8	4
Inaccuracies in assessments	0	0	3	0
Lack of support (including delay)	5	6	8	13
Standard of care	4	3	2	4
Social Worker – Attitude or Behaviour	0	0	1	2
Social Worker – Communication & Information	4	1	7	3
Financial / Cost Issues*	8	8	4	3
Total	26	28	35	30

- 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 costs 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. We are planning to review the ASC complaints policy, and any associated policies, to be clear that the complaint process cannot be used as an arbitrator of appeal decisions and we can only look at alleged fault in service delivery.

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	2021-2022	2020 -2021	2019-20	2018-19
20 working days or less	12	6	7	6
21-40 working days	6	5	10	11
41-60 working days	3	2	6	5
61-80 working days	1	2	6	3
81-100 working days	0	4	2	1
Over 100 working days	4	9	4	4
Total	26	28	35	30

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.

The timeliness of responses has improved with 46 % of responses issued within the local target of 20 working days or less, a significant increase from last year's response times, there has also been a drop in the number of responses being issued beyond 100 days.

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.

Table 7 shows a continued preference by customers in contacting the Council using the on-line complaint form/email. This supports the implementation of Firmstep.

Table 6

Point of receipt	2021-22	2020-21	2019-20	2018-19
Service Area	5	9	7	5
Customer Relations Team	14	18	23	23
Director/Head of Service	4	1	2	1
Chief Executive	0	0	0	1
Other	3	0	3	0
Total	26	28	35	30

Table 7

Method of receipt	2021-22	2020-21	2019-20	2018-19
Letter	3	2	2	6
Telephone/verbal	0	2	1	4
Email	13	16	22	12
Online complaints	9	5	9	6
Feedback Form	1	3	1	2
Total	26	28	35	30

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	2021-22	2020-21	2019-20	2018-19
Care recipient	2	4	11	9
Parent/s	6	5	2	3
Grandchild	0	0	0	0
Husband / Wife	2	1	0	1
Sibling	0	0	2	2
Executor	0	0	0	0
Son / Daughter	15	17	16	12

Advocacy service	0	1	4	2
Friend	1	0	0	0
Unknown (did not identify)	0	0	0	1
Total	26	28	35	30

There is no change in the fact that most complaints come from a family member.

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 2021-2022 the Ombudsman:

- Received 70 complaints, 13 of which were for Adults Social Care (19%)
- Made decisions on 78 complaints, 11 of which were for Adults Social Care (14%)
- Upheld 17 complaints, 6 of which were for Adults Social Care (35%)

The 2 services with the most upheld complaints were Adult Care Services and Education & Children's Services. These are arguably the most complex and also personal to the customer as they relate to care/care planning, either through social services or Education and Health Care Plans. In fact, these 2 services have had the most upheld complaints over the past 3 years (though numbers are still low compared to the level of contact received).

5 out of 15 recommendations were not completed within the agreed timescales, which the Ombudsman has highlighted in his letter as 'disappointing'. 3 of those 5 were for Adult Social Care. The Ombudsman has asked the Council to consider how it might make improvements to act on our recommendations within the agreed timescales, particularly when these involve making agreed apologies and payments to complainants.

The delay in meeting the agreed timescales with all 5 of the cases was down to the services not knowing how to raise the payments in Unit 4. However, this does not excuse the fact that in 4 out of 5 of the cases the apology letters were also issued late. The Customer Relations Team highlights the deadlines with services when sharing the Final Decisions. Apologies and payments should usually be completed within 4 weeks, and services receive a reminder from the CR Team.

We are developing a new Ombudsman toolkit that will highlight the need to meet deadlines and provide a template apology letter [with the caveat that they should be individually personalised because we have also been criticised for poor apologies in the past]. It will also remind services that payments should be made from their budget and that bank details are usually needed from our customers in advance of processing the payment.

3.0 COMPLIMENTS RECEIVED

There has been a big increase in the number of compliments recorded in this year's reporting. This reflects the first full year of reporting on our Firmstep system, this has allowed the service to directly record compliments and ensures that praise and good practice is recognised.

Table 9

Year	2021-22	2020-21	2019-20	2018-19
No. of Compliments	177	83	93	136

A selection of compliments recorded are included below as examples:

- I was quite shocked when I found out I would need carers coming into my flat 3 times a day to cover meals, as I don't think I am old. However right from the start the carers were so lovely. It wasn't long until I thought about the carers as my friends. I enjoyed chatting with them and always looked forward to them coming to me.
As my health improved, the teatime and then the breakfast calls were cancelled. The carers encouraged me to help with my food preparation which led to my lunchtime call being cancelled.
I have come a long way since I came out of hospital and t's only with the carers help and encouragement. I couldn't of done it without them.
They truly are wonderful, and I will always be so grateful for their help and kindness.*
- Many thanks for all your support for xxxx this last year, really felt you have sorted many things through referrals and confirming DP hours.
I'm sure you're very busy with supporting many others, but thanks again.*
- The care I have had from Day 1 has been 1st class.
The carers have all been good without exception.
They have shown me care, kindness, and courteous respect combined, with a chat from the outside world.
It has been a pleasure to meet them all.
This is a splendid service - unknown to me before accident, and you should be very proud.
Well done to everyone - I will miss you.*
- xxxx rang to say adaptations are nearly complete. xxxx has been using the bio-bidet since installed in January. It has now been moved into the new shower room.

He wanted to say thank you to xxxx Occupational Therapist (Community Access Team) for the advice and guidance back in January, which has enabled his dad xxxx to remain at home.*

The advice about toilet and shower options enabled them to purchase a Bio-bidet which improved xxx wellbeing as he did not need to rely on son when using the toilet. They are also about to complete a shower room.(Self funded)

- *I cannot thank the ladies enough for their help and kindness in a very black time in my life. They have seen me through the worst time into hopefully the best time in life, I will always remember you as friends, friends that will last forever. Thank you just doesn't seem enough.*
- *Xxxx asked for his thanks to be given to xxxxx, he would like to thank her for his dad, he said xxxx was professional, calm and caring given the difficult situation. xxxx said he doesn't know what they would of done if she hadn't turned up when she did.*
- *I have been supported by your service for the last few weeks. I found your staff to be very professional, their approach has been emphatic and respectful. I feel I have benefited from the support given, and now feel that I am in a better position regarding my independence.*

I would like to thank you and your representatives for prompting me to do this. I now feel I can manage independently with all my living requirements.

- *We would like to thank xxxx for his care and compassion coupled with the ability to act swiftly on behalf of xxxx when it became apparent that she could no longer live at home safely. He has kept us informed at all stages and we are really grateful for his support at what has been a very distressing time.*

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 points from complaints cases which have led to practice service improvements, and the following example highlights the changes made:

We have implemented a regular weekly meeting between the NHS and Social Care Occupational Therapy Teams to address this breakdown in communications and review referrals to ensure there is an agreed pathway for all customers and patients who are referred in the future.

All Adult Social Care staff have been reminded of the need to update assessment documentation where there has been a significant change in circumstances.

Our contracts department will discuss the issue of triaging admissions with xxxxxxxx and remind them of the need to carefully consider admissions due to the impact this can have on service users and their families.

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 should simplify the previous approach as it provides a single system for coordinating and reporting of Adult complaints, which should improve the complainant's experience.

5.2 Reporting

The format of the Social Care reports for 2021 -22 has been amended in line with initial recommendations, the review on wider reporting by the Customer Relations Team is ongoing and will be agreed with service. 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.