



Cheshire West and Chester Council

Adult Social Care Complaints and Compliments

Annual Report
2020 – 2021

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 2020 to 31 March 2021. 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.

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 13,896 customers received service from Adult's Social Care teams. 28 formal complaints were handled representing less than 0.2 % of service users.

1.0 STATUTORY COMPLIANCE PROCEDURE

1.1 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.

1.2 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. See Annex A for triage criteria.

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.

1.3 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.

1.4 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.

1.5 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.

1.6 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.

1.7 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.

1.8 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.

2.0 PERFORMANCE ACTIVITY 2020/21

2.1 Summary of Complaint Activity

A total of **102** representations were received this year. Of these **28 formal complaints** were accepted.

Of the remaining representations:

- 45 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).
- 4 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.
- 23 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.
- 2 Referred into the Safeguarding process

Where cases are declined as ineligible under the policy, the complainant is sent a response explaining why and signposted to a more appropriate process where relevant.

2.2 Comparison with Previous Years

The table below shows the number of representations and progressed complaints for 2020/21 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
2020-21	28	45	4	25	102
2019-20	35	24	6	21	86
2018-19	30	33	7	20	90
2017-18	39	36	9	22	106

**Complaints not valid through the Social Care procedure, for example complaints that were being dealt with as Safeguarding investigations or redirected through the corporate complaints process or the complainant was not directly involved with the service user and is therefore ineligible to complain.*

2.3 Number of Complaints - Observations

The overall figure of valid complaints represents a decrease of 20% compared to the number of complaints investigated by the Council in the previous year. However, the total number of representations considered increased by 19%. The increase in the number of representations resolved as service requests is indicative of effective triage and early resolution by the service.

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 adult social care teams continue to have a strong focus on trying to resolve issues that arise informally to prevent them from escalating to a formal complaint and resolve with direct contact issues that are raised.

2.4 Complaint Outcomes

Table 2 below shows the outcomes of the 28 complaints investigated.

Table 2 - Outcomes and comparisons with previous years

Year	Upheld	Partially upheld	Not upheld	Outstanding	Total
2020-2021	13	8	7	0	28
2019-2020	8	15	12	0	35
2018-19	11	9	10	0	30
2017-18	10	21	8	0	39

The percentage of 'upheld' cases has increased compared to previous years and the percentage of cases 'not upheld' has decreased. The number of complaints considered reflects only a small proportion of the overall number of service users. Given that complaint investigations are conducted internally, the results continue to offer confidence that the outcomes from complaint investigations remain balanced and objective. It also reflects the Council's commitment to openness and accountability and promotion by the Customer Relations Team of accepting fault as soon as it is identified and offering an appropriate, and reasonable, remedy. This is demonstrated by there being fewer defensive responses being issued and a real commitment to learning from complaints.

2.5 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	Numbers of Complaints Per Year			
		2020-21	2019-20	2018-19	2017-18
Prevention and Wellbeing					
Northwich & Winsford Patch Team	1731	3	4	1	5
Chester, E.Port & Rural Patch Team	3789	15	19	12	20
Learning Disability Team	1263	2	2	4	2
Occupational Therapy	3993	3	1	2	0
Review Team (previously the Advice and Contact Team)	36	0	0	0	1
Reablement and Provider Services	35	0	0	1	0
Community Mental Health	737	2	0	4	8
Hospitals Social Work Teams	869	2	5	3	1
Safeguarding Team*	34	0	2	0	0
Client Finance	0	0	1	1	1
Commissioned Provider Services	0	0	0	0	1
Strategic Commissioning	39	0	0	1	0
Emergency Duty Team	0	0	0	1	0
Community Access Team	1491	0	0	0	1
Solutions Team (new team)	231	0	0	0	0
Home Assessment Team (HAT)	323	0	-	-	-
Visual Impairment Team	703	0	-	-	-
Other**	1702	1(MCA & DOLS)	1	0	0
Total	16745	28	35	30	39

*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 stayed the same or decreased. 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 and is consistent with previous years.

Providers are usually expected to deal directly with complaints in the first instance using their own complaint procedures and most complaints will reach them directly. Where the Council receives complaints about the provider it will redirect the customer to the provider first, although the Council may respond if either it considers intervention is necessary at an early stage and/or the complainant remains dissatisfied with the outcome. This is in line with policy and recognises that Providers are best placed to give an informed and considered response to issues raised about their own services whilst the Council maintains its overall

accountability for the delivery of these services and monitors standards through appropriate contract management.

Safeguarding Team concerns are not included in Table 3 as they are dealt with outside of the complaint process as there is a separate requirement to make enquiries or cause others to do so, as per the Care Act 2014.

2.6 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)	2020-21	2019-20	2018-19	2017-18
Standard / Quality / Appropriateness of Service	19	23	22	25
Ignoring Concerns	2	1	1	2
Appropriateness of service (care package)	3	1	1	0
Issues with Provider	5	8	4	5
Inaccuracies in assessments	0	3	0	1
Lack of support (including delay)	6	8	13	12
Standard of care	3	2	4	5
Social Worker – <i>Attitude or Behaviour</i>	0	1	2	1
Social Worker – Communication & Information	1	7	3	1
Financial / Cost Issues*	8	4	3	12
Total	28	35	30	39

- There has been an increase in the number of Financial/Cost issues complaints received, this has been driven by 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.

2.7 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	2020 -2021	2019-20	2018-19	2017-18
20 working days or less	6	7	6	8
21-40 working days	5	10	11	9
41-60 working days	2	6	5	8
61-80 working days	2	6	3	2
81-100 working days	4	2	1	2
Over 100 working days	9	4	4	10
Total	28	35	30	39

Only 21% of complaint responses achieved the local target of 20 working days or less, which is in line with previous years however the Covid 19 pandemic has clearly impacted complaint response times, with a significant increase in responses issued over 100 days. This has in part been caused by a delay in sharing of information from providers and the allocation of resources and the prioritisation of services required in response to the pandemic.

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

Complainants were 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.

2.8 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.

The number of Adult Social Care cases received by the LG&SCO during this reporting period was 11 which is a decrease from 14 the previous year. This represents 14% of all Ombudsman cases received.

The Ombudsman also made decisions on 11 cases this year (compared to 14 the previous year). This represents 21% of all cases decided upon. Outcomes were as follows:

There was a 67% reduction in upheld cases compared to last year (6 case upheld). Of the 2 cases this year where the Ombudsman identified fault by the service both were upheld for maladministration and injustice. The following remedies were accepted:

- Financial redress: Avoidable distress/time and trouble 1
- New appeal/review or reconsidered decision 1

This year adult social care paid out only £350 for distress/time and trouble compared to £2900 the previous year, a reduction of 88%. There was no criticism of the service for delay in responding to the Ombudsman or actioning remedies this year.

The Ombudsman has published a 2020-2021 *Annual Review of Adult Social Care Complaints* which summarised the national picture of common trends and issues:

- The Ombudsman's office received fewer complaints this year, due to the impact of Covid-19
- They upheld 72% of cases investigated, an increase from 69% the previous year, and higher than their uphold rate across all casework, which is 67%.
- They believe this points to a system in crisis and the pandemic has exacerbated pre-existing pressures in the system.
- They are increasingly seeing systemic problems caused by underfunding
- despite a challenging year for adult social care, our evidence shows the sector responded well to COVID-19 and the majority of staff working in social care are doing an excellent job in spite of the pressures.

Overall, despite the Ombudsman's concerns about a system in crisis, Adult Social Care can demonstrate an improvement in the number of cases, received, decided and upheld this year. This shows that the service has managed its complaint handling well despite the pressures from the impact of responding to the pandemic.

2.9 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 bodes well for the future implementation of online complaint reporting via Firmstep.

Table 6

Point of receipt	2020-21	2019-20	2018-19	2017-18
Service Area	9	7	5	10
Customer Relations Team	18	23	23	28
Director/Head of Service	1	2	1	0
Chief Executive	0	0	1	0
Other	0	3	0	1
Total	28	35	30	39

Table 7

Method of receipt	2020-21	2019-20	2018-19	2017-18
Letter	2	2	6	9
Telephone/verbal	2	1	4	4
Email	16	22	12	21
Online complaints	5	9	6	4
Feedback Form	3	1	2	1
Total	28	35	30	39

3.0 COMPLIMENTS RECEIVED

There has been a small 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 6 below.

Table 8

Year	2020-21	2019-20	2018-19	2017-18
No. of Compliments	83	93	136	310

A selection of compliments recorded are included below as examples:

Compliment received via Telephone:

During Covid we have had to work differently to reduce the risk and meet the need. I have been fortunate to work with a gentleman who sadly has cancer and is now terminal. I was able to reduce the stress within the property, and reduce the pressure on the family, and provide equipment to enable him, to reach his full potential, and provide dignity, He said to me -, he had to call to tell me how thankful he was for all I have done, he said its thanks to people like me, that he is able to manage now ,and things are a little easier, he said the carers had visited today, he then started crying, he continued and said, he has been able to have a bath today, he has not had a bath in 4 years, he said I will not understand what it means to him, and his wife and his daughter, He said this whole situation has been very difficult for his daughter, but because of what I have done, it will now make things a little better for her, and that he can't thank me enough for that. I told him it was an honour and a pleasure to help him at this time, and not to hesitate to contact the team if there is anything else we can do, He then said what I have done for him is immeasurable, and will be

forever grateful. I have granted a dying man, his last wish, With that he cleared his throat, and said he had taken enough of my time, said goodbye, and ended the call.

This is what Occupational therapy can achieve, I am proud to be an occupational therapy assessor, within Cheshire West and Chester.

Compliment received via website:

I just want to thank CWAC for the wonderful care you are taking of those of us shielding isolation during this COVID-19 pandemic. I feel very privileged to be under this council's jurisdiction. I have received a food parcel, left on my doorstep, every week for the past 4 weeks, from CWAC, more importantly, I receive a phone call each week from a polite, caring , considerate gentleman ..to ask if I am OK being taken care of. As a 73 year old disabled pensioner, living alone these calls make such a huge difference to my life. I can't thank ..CWAC enough for this care and attention. You have al earned my greatest respect and gratitude. Thank you yet again. I applaud you all.

Compliment received via email:

This is just a brief email to express our gratitude and huge thanks for your professionalism and compassion whilst helping and advising us through the past few months regarding xxxx Health Care.

As you are aware xxxx has numerous health conditions that limit his daily life, one of them being anxiety. Over recent months he has had great difficulty talking to others due to his anxiety and a lot of the time we have spoken with other health professionals but received no clear advice or ongoing support.

However , this was definitely not the case with yourself. Right from our first contact xxxx became more confident, comfortable and extremely reassured.

You constantly kept us up to date . Any questions we needed to ask you were always at the end of the phone and gave us a speedy and clear response. Nothing was too much trouble.

You were always approachable and your lovely , bubbly and pleasant nature made this a much less stressful experience for xxxx and myself.

We are so grateful for everything.

You truly are a wonderful asset to your profession and we wish you every success for the future.

4.0 PROFILE/CATEGORY OF COMPLAINANTS

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

Table 9

Person making the complaint	2020-21	2019-20	2018-19	2017-18
Care recipient	4	11	9	11
Parent/s	5	2	3	5
Grandchild	0	0	0	0
Husband / Wife	1	0	1	3
Sibling	0	2	2	2
Executor	0	0	0	0

Son / Daughter	17	16	12	16
Advocacy service	1	4	2	1
Friend	0	0	0	1
Unknown (did not identify)	0	0	1	0
Total	28	35	30	39

***5.0 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.

5.1 Learning from Complaints Cases

There have been a number of valuable learning points from complaints cases which have led to practice service improvements, and the following example highlights the changes made:

Four complaints were received regarding issues resulting from a contract transfer (change in provider) and how this was communicated by the council. (Logged under issues with provider) all were upheld and apologies made.

- The Contract and Commissioning are to conduct a comprehensive review of procedures regarding the transfer of care the issues raised by the complainants will inform planning for the next contract transfer to ensure that the process is more streamlined.
- The service will ensure that individuals are kept informed before any handover is made and to establish appropriate care is in place while this change takes place.

As a result of a MCA complaint – service revised the practice guide for staff plus held training/awareness sessions for council staff and partners.

6.0 FUTURE PLANS FOR COMPLAINT HANDLING

6.1 ICT:

The introduction of Firm Step should simplify the current approach and provide a single system for coordinating and reporting of Adult complaints which should improve the complainant's experience and support the service with a more efficient way for managing complaints.

6.2 Reporting

There will be a review of annual reporting for Social Care and Corporate complaints to be completed by the Customer Relations Team and agreed with service. This will focus on the format, layout and content for reports from 2021-22 and introduce a similar report for corporate complaints. Suggestions on how to improve the reporting from next year should be directed to the Customer Relations Team.

End report

Annex A

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.