

# Adult Social Care

## Complaints, Compliments and Comments Annual Report

**01<sup>st</sup> April 2023 - 31<sup>st</sup> March 2024**

### Authors

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## Foreword from Executive Director



I am delighted to present the 2023-2024 Adult's Complaints, Compliments, and Comments Annual Report. This report is a vital component of our commitment to ensuring service quality and achieving our aspiration to be among the best Adult Social Care departments. We aim to achieve this recognition not only by citizens but also by our colleagues, partners, and regulatory bodies such as the Department of

Health and Social Care and the Care Quality Commission.

### Key Objectives:

- **Quality Assurance:** The report plays a pivotal role in assuring the quality of our services.
- **Continuous Improvement:** By analysing the information within this report, we can identify areas for enhancement.
- **Listening to Stakeholders:** We value complainants' views and will take appropriate actions to prevent recurrence.
- **Collaboration:** Our close partnership with the Council's Complaints team ensures timely and robust responses aligned with our complaints policy.

### Challenges and Learning Opportunities:

While we strive to address complaints through informal dialogue promptly, there are instances where this approach isn't feasible. The report highlights cases where individuals and their families have escalated their concerns to the Local Government and Social Care Ombudsman.

### Assurance and Commitment:

I assure you that my team and I take complaints, compliments, and comments seriously. We view them as valuable opportunities for growth and learning.

Moving forward, we remain dedicated to improving our services for the people of Gloucestershire.

Thank you for your continued support and engagement.

**Professor Sarah Scott**

Executive Director of Adult Social Care, Wellbeing and Communities

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Version	Date	Who	Comment
0.1	June 2024	Colin Davies	<i>First draft prepared for Head of Quality &amp; Performance review</i>
1	July 2024	Colin Davies	<i>Amended following feedback by Head of Quality &amp; Performance</i>
2	22 <sup>nd</sup> July 2024	Colin Davies	<i>Presented to Adults QA Board for discussion and to share with ASMT/OD Group for comment</i>
2.1	16 <sup>th</sup> August 2024	Colin Davies	<i>Final Approval virtually from QA Board for publishing</i>
	19 <sup>th</sup> August 2024	Professor Sarah Scott	<i>Final Approval from Executive Director for publishing</i>
2.2	27 <sup>th</sup> August 2024	Cheryl Hampson	<i>Amendment to ASC contact data</i>

## Executive Summary

This report provides an overview of Gloucestershire County Council's performance on Adult Social Care complaints and compliments and feedback activity between the period 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024. This has been in line with the Adult Social Care Complaints Policy<sup>1</sup>.

We define a complaint as an expression of dissatisfaction by an individual about an action, lack of action or standard of service from Adult Social Care, or services commissioned by Adult Social Care.

When we receive a complaint in Adult Social care, our aim is to resolve and learn from them so it does not happen again. Our ambition is to ensure we get things right first time so that people do not need to make a complaint.

### Summary of key findings in this report

	<p>In the period Adult Social Care had completed 9385 assessments and 4,029 (long term) and 3,844 (short term reviews (17,258 contacts).</p> <p>In the same period, we received 91 formal complaints which represents 0.005% of the total number of contacts.</p> <p>A further 204 concerns were resolved without recourse to the complaints process (0.01% of total contacts).</p>
	<p><b>Complaints year on year</b></p> <p>This compares with,</p> <ul style="list-style-type: none"><li>• 107 complaints received in 2022-2023,</li><li>• 126 complaints received in 2021-2022, and</li><li>• 92 complaints received in 2020-2021.</li></ul>
	<p><b>Response times</b></p> <p>62% of complaints were responded to within 20 working days. Target is 75%.</p> <p>The quickest complaint response was 1 day and the longest 87 days, where the complaint was complex and involved many different services.</p>

	<p><b>Reason why people complain?</b></p> <p>Most complaints recorded the primary failure as,</p> <ol style="list-style-type: none"> <li><b>Communication:</b> delay in provision of information, late response, no returned contact (33% of the total complaints investigated).</li> <li><b>Quantity, frequency or charge for a service:</b> inappropriate charge for service, all disability related expenditure not considered (21% of total complaints investigated).</li> </ol>
	<p>53% of complaints were either upheld or partially upheld. 37% were not upheld.</p> <p>16 complaints were escalated to the <u>Local Government and Social Care Ombudsman</u>, of which 9 were investigated.</p>
	<p><b>Learning</b></p> <p>The services that received the most complaints (both with 13% of the complaints investigated) were,</p> <ul style="list-style-type: none"> <li>Finance including Finance and Benefits (FAB), Charging Process – A known area for improvement and learning is discussed in more detail below</li> <li>Gloucester Locality Social Care Team – This is consistent with the area Gloucester cover and historically always receive a larger proportion of complaints.</li> </ul>
	<p><b>Improvement Actions</b></p> <p>Learning from complaints received identified some key themes</p> <ul style="list-style-type: none"> <li>Finance – We are in testing phase to introduce an Online Financial assessment which should simplify the communications with families and individuals undergoing financial assessment for care</li> <li>Customer Experience – A Customer Experience Manager has been recruited to review the customer experience journey through adult social care and working on co-production will improve approach. This is beginning with the review of accessible information on our website.</li> </ul> <p>A full breakdown of improvement actions can be seen on Pages 17 – 19.</p>

## 1. Background and Introduction

The purpose of this report is to provide an overview of the complaints and feedback made about Gloucestershire County Council's Adult Social Care Services during 2023-2024, in accordance with The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

The Department of Health defines a complaint as “an expression of dissatisfaction or disquiet about the actions, decisions, or apparent failings of a Council’s adult social care provision which requires a response”.

Anyone who has received, is currently receiving, or is seeking an adult social care service from Gloucestershire County Council can make a complaint. A family member, carer or formal representative may also complain on a service user’s behalf.

The Complaints Team are managed centrally within the remit of Corporate Governance.

### How to make a complaint

Adult Social Care Complaints are managed through a one-stage process. On receipt of a complaint the service/team is given the opportunity to reply (**Stage one response**) and if the complainant is not satisfied with the response this can be reviewed (**stage one review**). A Stage one response should normally be sent within 20 working days of receipt of the complaint. All complaints can be escalated by the complainant to the Local Government and Social Care Ombudsman (LG&SCO) who will independently review the complaint and determine whether there has been any fault and their recommendation for remedying that fault. The LG&SCO will normally only review a complaint after it has been through our internal process. Information about how to make a complaint about Adult Social Care in Gloucestershire is available on our website<sup>2</sup>, or you can phone on 01452 427 082. More detail on this process is described in Appendix 2

Services provided by an external provider acting on the Council's behalf are also included. In such instances, complaints can be submitted directly to the provider or the Council.

The report is written and is made available for the following parties:

- Staff
- Management
- The relevant Scrutiny Committee
- Care Quality Commission
- Healthwatch Gloucestershire
- The public

### **Information and accessibility**

We are committed to making sure everyone has equal access to all of our services, including the complaints procedure. To help make sure we have information about our complaints process in leaflet format as well as on our website. There is also an electronic form which people can use to make a complaint which complements existing communication routes (letter, email and telephone). People can make a complaint in any format they wish.

The complaints manager can arrange advocates and interpreters where appropriate.

### **Confidentiality and Privacy**

Gloucestershire County Council provides its Complaints Service through its Corporate Resources Directorate. We need to collect information about you in order to provide these services.

We may collect information about your family and other people associated with your case. We will retain your personal information in line with our [Records Retention and Disposal Schedule](#), or as long as we are legally required to. There may be reasons for us to keep your information for longer than is stated, such as if you have an open complaint about the services received, for evidence

to defend a legal claim or if we are required to by law.

We will keep anonymised data about you indefinitely for data analytical purposes to ensure that we can assess, evaluate and plan our services for the future.

## **GDPR**

Gloucestershire County Council's Complaints Service collects, processes and holds information, including personal information, to allow it to provide services effectively and to meet its statutory responsibilities, including under The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, Gloucestershire County Council will be the Data Controller, as defined by the General Data Protection Regulation (GDPR).

The Council recognises that this information is important to individuals and that it is responsible for the information it holds about them. It takes seriously its responsibility to ensure that any personal information it collects and uses is done so proportionately, correctly, and safely.

If you supply information, we are legally bound by the GDPR to make sure that the information is only used for the purpose for which it was supplied and to make sure that the data is held securely.

## 2. Statistical Data

### Breakdown for 2023-2024

Chart 1 - Complaints over a five-year period – trends

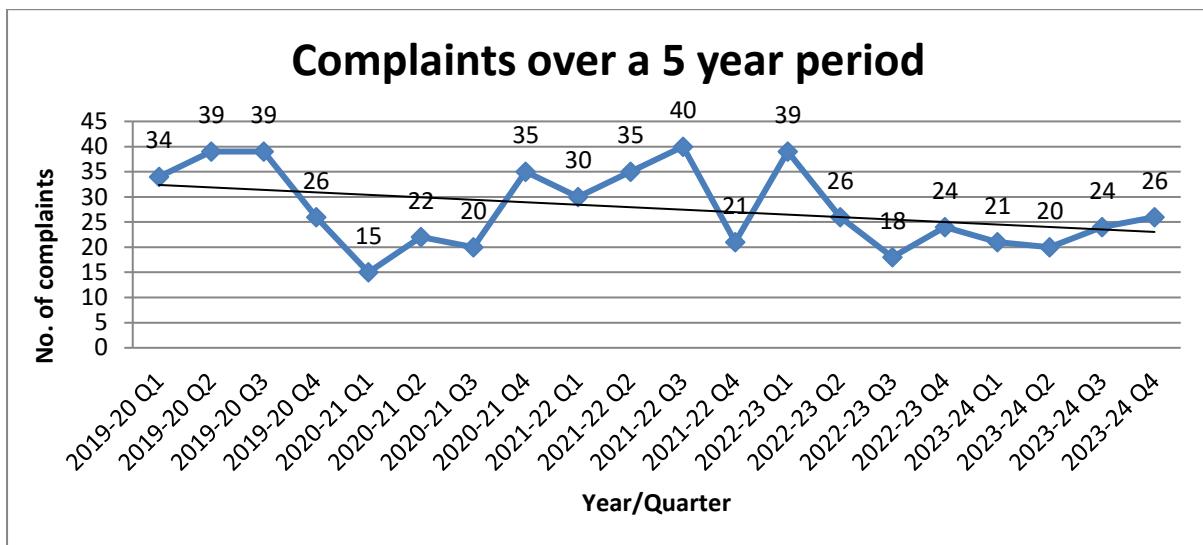


Chart 2 - Complaint response times 2023-2024

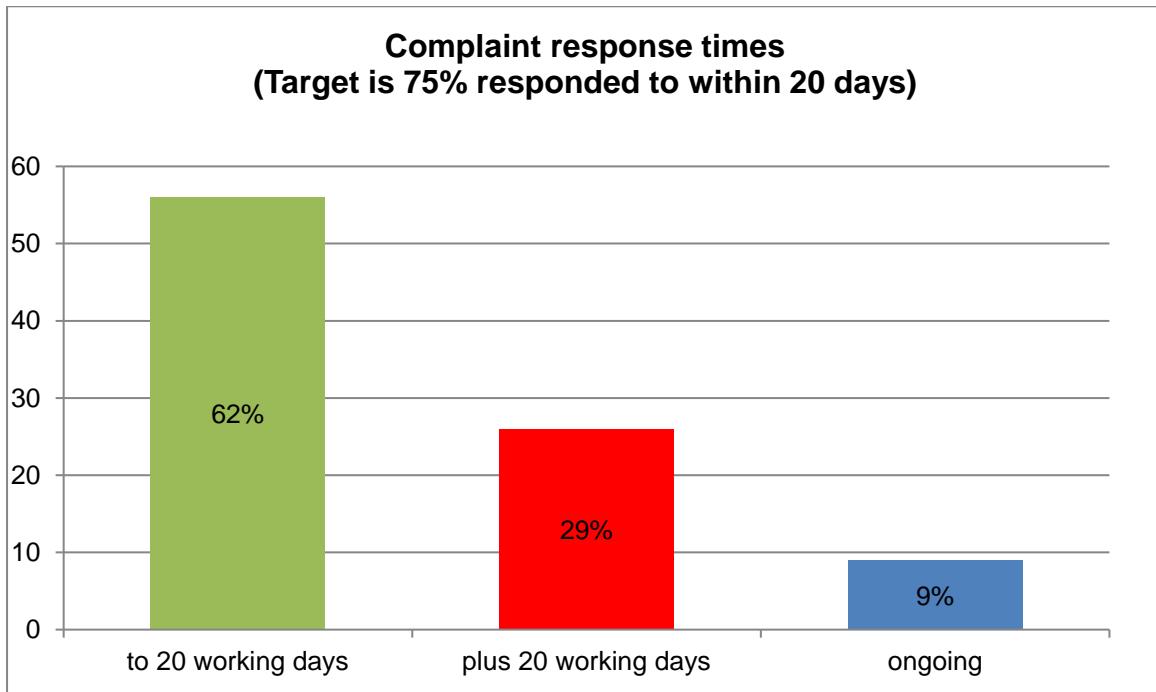


Chart 3 - Complaints received in 2023-2024 by team

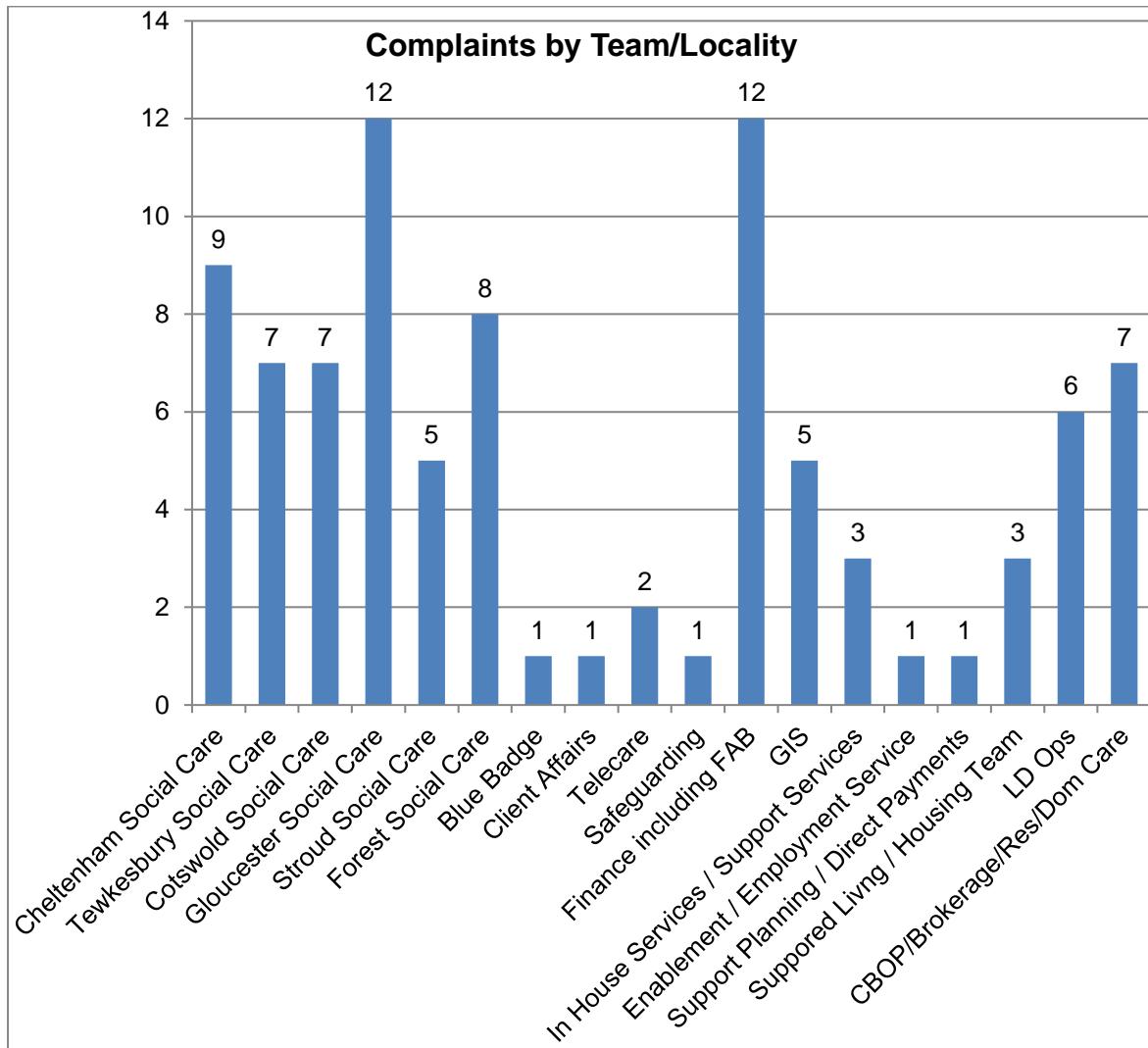


Chart 4 - Complaints not upheld by team 2023-2024

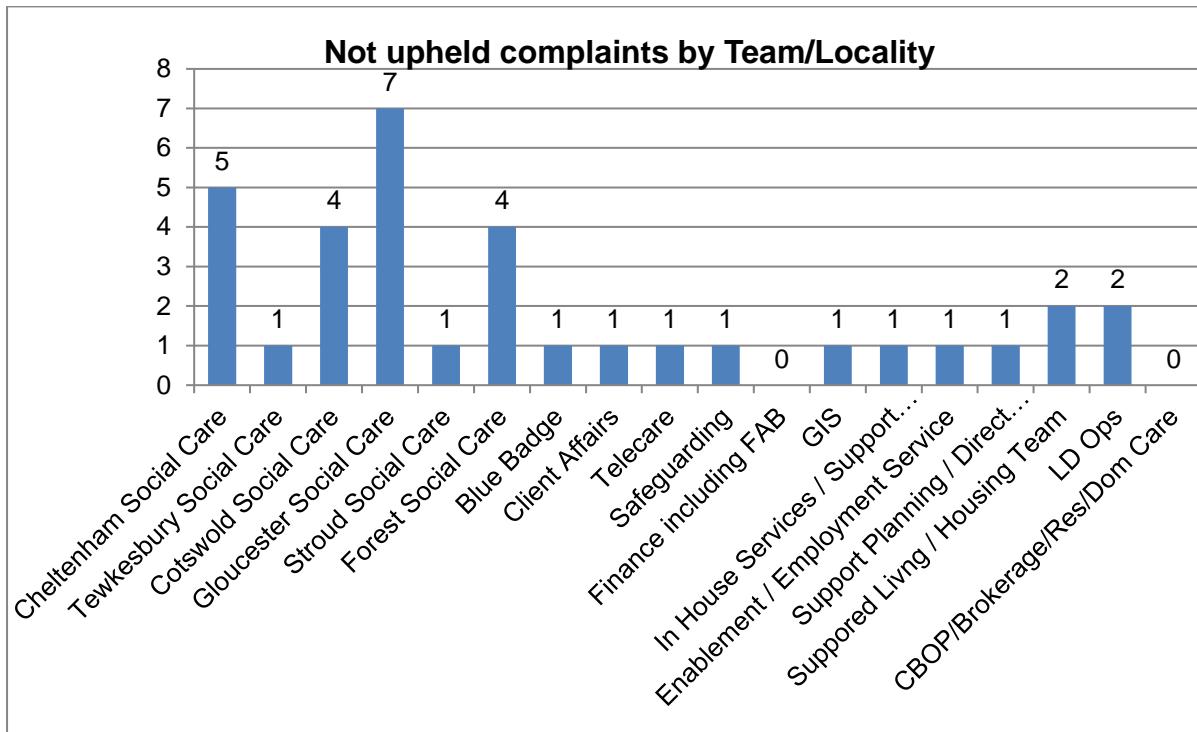
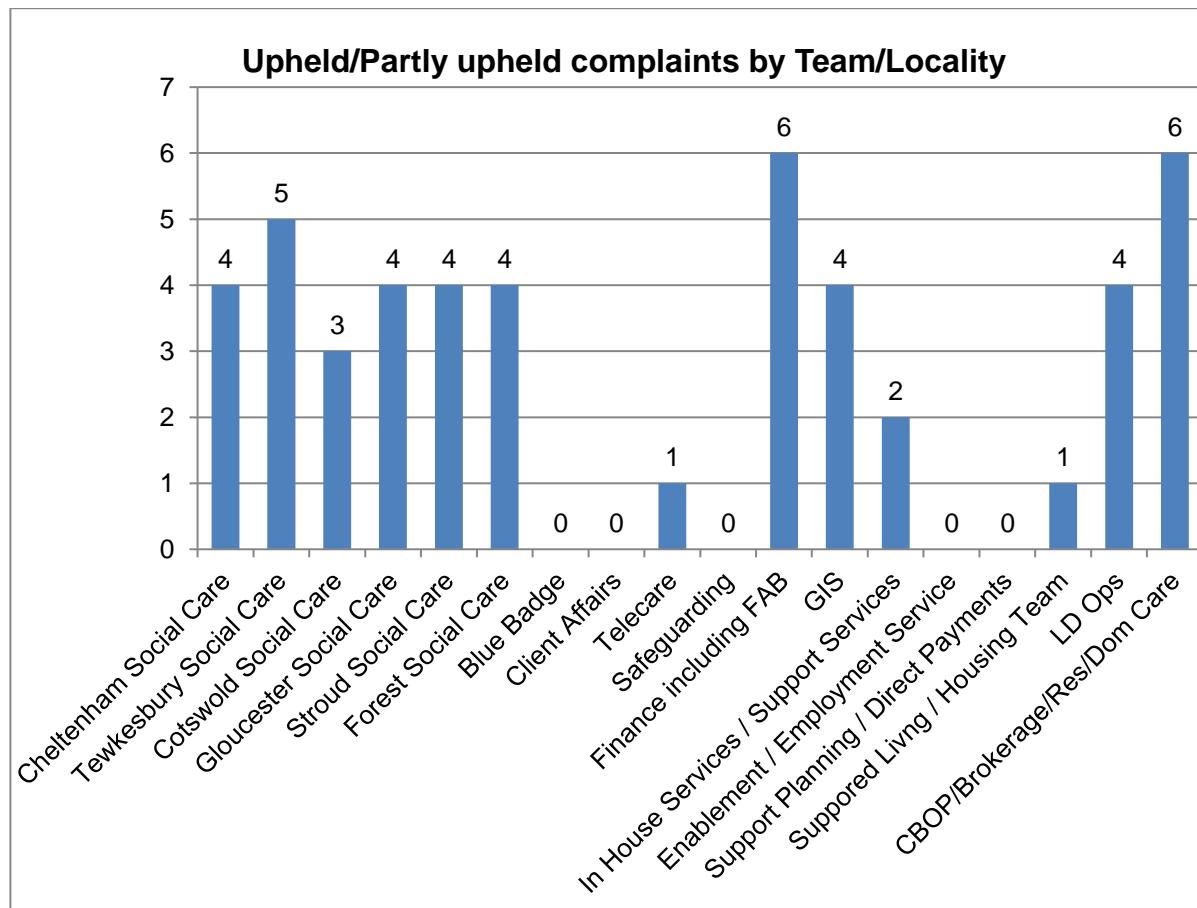


Chart 5 - Complaints upheld by team 2023-2024



## Analysis

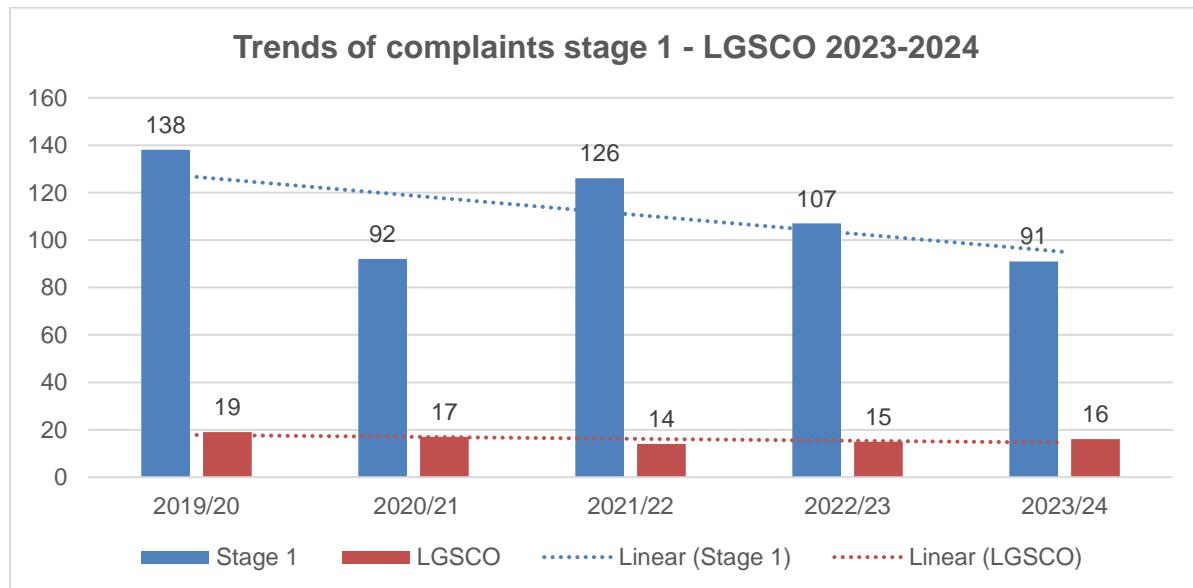
In 2023-2024, 91 Adult Social Care complaints were received by the Council of which 53% were either fully upheld or partly upheld. This was a decrease in numbers received compared to the previous year, when a total of 107 complaints were received.

Positively the number of complaints received over the last 5 years are on a downward trend and this is as a result of the strength of the Adult Operations teams and support services in improving the delivery of service year on year, and when issues occur, resolving them locally within their teams without recourse to the complaints process.

Table 1 - Summary of year-on-year trends for complaints at stage 1 and LGSCO

Number of Adult Social Care complaints managed at:	During 2019/20	During 2020/21	During 2021/22	During 2022/23	During 2023/24
Stage 1	138	92	126	107	91
LGSCO	19	17	14	15	16

Chart 6 - Stage 1 and LGSCO Complaints over time



A further 31 contacts from individuals were received but these were handed over / signposted to other agencies as they were not in relation to services provided by the council.

The following section looks at complaints related to Adult Social Care (ASC) Teams and then separately summarises all other complaints within the remit of Adult Care Services.

Table 2 - Reason for complaint by team 2023-2024

Team	Reasons for complaint by team
<b>Adult Social Care Locality Teams</b>	
Gloucester	<p>12 complaints received</p> <p>In summary the themes were;</p> <ul style="list-style-type: none"> <li>• Communication, timeliness of responding to telephone messages / e-mails / providing information</li> <li>• GDPR – mishandling of information</li> <li>• Assessment took too long / took too long to resolve funding issue</li> <li>• Assessment outcome was wrong, and subsequent care offered was not appropriate to the need</li> <li>• General conduct of staff, including lack of empathy</li> <li>• Care pathway and subsequent funding not made clear</li> <li>• Care review not completed in line with best practice</li> <li>• Failure to complete a deafblind assessment</li> </ul>
Cheltenham	<p>9 complaints received</p> <p>In summary the themes were;</p> <ul style="list-style-type: none"> <li>• Communication, interested parties not being kept informed of developments with a safeguarding</li> <li>• Assessment outcome was wrong, and subsequent care offered was not appropriate to the need</li> <li>• Funding not made clear</li> <li>• No one took responsibility or ownership of case, too many handovers to other staff</li> <li>• LPA not included in decisions</li> <li>• Challenge to Mental Capacity assessment</li> </ul>
Stroud	<p>5 complaints received</p> <p>In summary the themes were;</p> <ul style="list-style-type: none"> <li>• General conduct of staff, including lack of empathy, not listening and pushing their own agenda</li> <li>• General conduct of staff, including being unhelpful / unprofessional</li> </ul>

Team	Reasons for complaint by team
	<ul style="list-style-type: none"> <li>Communication, interested parties not being kept informed of developments</li> <li>Assessment outcome was wrong, and subsequent care offered was not appropriate to the need</li> </ul>
Forest	<p>8 complaints received</p> <p>In summary the themes were;</p> <ul style="list-style-type: none"> <li>Assessment took too long / took too long to resolve funding issue</li> <li>Assessment outcome was wrong, and subsequent care offered was not appropriate to the need</li> <li>Funding not made clear, including "Top Up" arrangements</li> <li>Request for Capacity Assessment denied</li> <li>General conduct of staff, including lack of empathy / dismissive approach</li> <li>Challenge to Mental Capacity assessment</li> </ul>
Tewkesbury	<p>7 complaints received</p> <p>In summary the themes were;</p> <ul style="list-style-type: none"> <li>Care pathway and subsequent funding not made clear</li> <li>Assessment took too long / took too long to resolve funding issue</li> <li>Communication, interested parties not being kept informed of developments</li> <li>Assessment outcome was wrong, and subsequent care offered was not appropriate to the need</li> <li>No one took responsibility or ownership of case, too many handovers to other staff</li> <li>Worker lacked experience to fulfill role</li> <li>Communication, timeliness of responding to telephone messages / e-mails / providing information</li> </ul>
Cotswold	<p>7 complaints received</p> <p>In summary the themes were;</p> <ul style="list-style-type: none"> <li>Assessment took too long / took too long to resolve funding issue</li> <li>Assessment outcome was wrong, and subsequent care offered was not appropriate to the need</li> <li>Challenge to Best Interest meeting</li> <li>General conduct of staff, including being unhelpful</li> <li>Communication, interested parties not being kept informed of developments</li> </ul>

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Team	Reasons for complaint by team
<b>Adult Social Care Countywide Teams</b>	
Learning Disability Operations	<p>6 complaints received</p> <p>In summary the themes were;</p> <ul style="list-style-type: none"> <li>• Communication, timeliness of responding to telephone messages</li> <li>• Communication, interested parties not being kept informed of developments with a provider</li> <li>• Mental Capacity Assessment not completed in relation to relevant decision</li> <li>• Best Interest decision completed without consultation with relevant parties</li> <li>• Inappropriate respite placement</li> <li>• Assessment outcome was wrong, and the subsequent care offered was not appropriate to need</li> <li>• Lack of interpreter during assessment and care planning</li> </ul>
Enablement/Employment Service	<p>1 complaint received</p> <ul style="list-style-type: none"> <li>• Service did not ensure necessary paperwork was in place for individual upon death</li> </ul>
Supported Living/Housing Team	<p>3 complaints received</p> <p>In summary the themes were;</p> <ul style="list-style-type: none"> <li>• Communication, lack of confidentiality, and making inaccurate comments to other professionals as if they were fact</li> <li>• Inensitive questions following the death of a relative</li> <li>• Failure to clear property despite promises that arrangements were in place</li> </ul>
Gloucestershire Equipment Loans Store (previously GIS)	<p>5 complaints received</p> <p>In summary the themes were;</p> <ul style="list-style-type: none"> <li>• Items that GIS had promised to be delivered / collected did not happen</li> <li>• Incorrect items delivered</li> <li>• Item delivered was faulty</li> <li>• E-mails / telephone messages were not responded to and telephone calls were not answered / promises of call back did not happen / could not get hold of anyone to discuss</li> </ul>
Finance including FAB	<p>12 complaints received</p> <p>In summary the themes were;</p> <ul style="list-style-type: none"> <li>• Assessments not taking into account disability related expenses (DRE)</li> <li>• Unfair to request a person submits 6 months' worth of receipts</li> </ul>

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Team	Reasons for complaint by team
	<ul style="list-style-type: none"> <li>• Factual errors in the financial assessment / time taken to complete</li> <li>• Incorrect invoices consistently issued</li> <li>• Challenge to deprivation of assets decision</li> <li>• Multiple handoffs when trying to resolve issue (relates to FAB, Finance and Brokerage)</li> <li>• DRE process took too long to provide resolution</li> </ul>
Safeguarding and DoLS	<p>1 complaint received</p> <ul style="list-style-type: none"> <li>• Incorrect decisions when proceeding with a section 42 enquiry</li> </ul>
Client Affairs	<p>1 complaint received</p> <ul style="list-style-type: none"> <li>• Communication poor, entered property without legal right</li> </ul>
Telecare	<p>2 complaints received</p> <p>In summary the themes were;</p> <ul style="list-style-type: none"> <li>• Service unable to programme equipment to complete test calls on weekends</li> <li>• Too long for engineer to carry out urgent repairs</li> </ul>
In House Services/Support Services	<p>3 complaints received</p> <p>In summary the themes were;</p> <ul style="list-style-type: none"> <li>• Great Western Court – Quality of support, not offered appropriate food, quality of food, clothes not changed and generally unkempt.</li> <li>• Great Western Court – Lack of urgency / and communication around individual's discharge, misuse of resources because of the hour handover</li> <li>• Cathedral View – Member of staff inappropriately spoke to visitor</li> </ul>
Support Planning/Direct Payments	<p>1 complaint received</p> <ul style="list-style-type: none"> <li>• An unexpected invoice was received via the Direct Payment provider</li> </ul>
Blue Badge	<p>1 complaint received</p> <ul style="list-style-type: none"> <li>• Communication poor, promise to call back took over 3 days to happen</li> </ul>
CBOP/Brokerage/Dom & Res Care	<p>7 complaints received</p> <p>In summary the themes were;</p> <ul style="list-style-type: none"> <li>• Decision made to change care provision without consultation with individual.</li> <li>• E-mails were not responded to, and telephone calls were not answered.</li> <li>• Took 18 months to resolve an issue.</li> </ul>

Team	Reasons for complaint by team
	<ul style="list-style-type: none"><li>• Quality of Domiciliary Care provision x 3 providers</li></ul>

## Learning and improvement themes

Learning from complaints provides valuable opportunities to gain a wider understanding and ensure improvements are realised. This section outlines the improvement actions identified during 2023/2024.

Many complaints only require actions to improve things for individuals, however, a small number of complaints highlight shortfalls in a service as a whole. On a number of occasions there was individual learning taken for staff and a small number of complaints resulted in reflective discussions and further training and supervision.

If it is identified that we have failed an individual and this has impacted them financially, good practice dictates that we apply the principle of restitution. In the last financial year, for a small number of complaints, we have either reimbursed customers for fees that should not have been applied, waived outstanding debt because of the quality of the service provided, or have compensated customers when standards of service have not been acceptable.

## Social Care Charging

As indicated by the data in the report, numerous complaints underscore the fragmented processes employed by the council in relation to adult social care charges. Although there are long-term internal change initiatives aimed at enhancing the systems, the impact on Integrated Social Care Managers remains substantial in terms of the time required to address these issues, this then has an impact on the timeliness of complaint responses. In response, the council has bolstered its staffing resources over the past year to catch up with processing financial assessments promptly.

Since July/August 2022, our social work staff have been distributing our "[Paying for your care](#)" booklet to all individuals prior to referral for a financial assessment. This provides information on the impact of a change in type of care on benefit entitlement.

Alongside this, the council has developed a Financial Assessment Agreement Form which includes a declaration to be signed to confirm that the booklet has been provided, along with written information about where to get free financial advice about options for paying for care and support. This ensures people have received appropriate and clear communication around charges for care and provides opportunity for them to discuss any questions and/or concerns they may have.

The council has implemented reporting mechanisms to identify individuals receiving services without completed financial assessments, ensuring that no one is overlooked. Additionally, this system detects cases where a FAB assessment was scheduled but not completed for any reason.

Furthermore, new procedures are now in place to notify individuals if appointments need to be rescheduled due to sickness absence. Typically, the council can arrange for an alternative FAB assessment officer to attend the original appointment or reschedule it within 1-2 weeks.

### Adult Social Care Operations

- Social Work staff were reminded to share completed assessments in a timely manner.
- Social Work staff were reminded to share as much information as early as possible with regard to the processes being undertaken.
- Social Work staff were reminded to share outcomes of safeguarding referrals with the appropriate individuals involved.
- Social Work staff were reminded to offer carers assessments to individuals providing any level of caring role.
- An anonymised Ombudsman decision was shared with all Social Work staff to remind them of the complexities of managing a case that is outside of “normal” parameters and to ensure escalation of issues are escalated to management as soon as it becomes apparent.

### Commissioned Care

- A care provider reviewed and improved its policies, particularly around

managing its rota system and staff absence.

- The Quality Monitoring team reviewed / audited a provider's policy on staff induction and training.

## Compliments

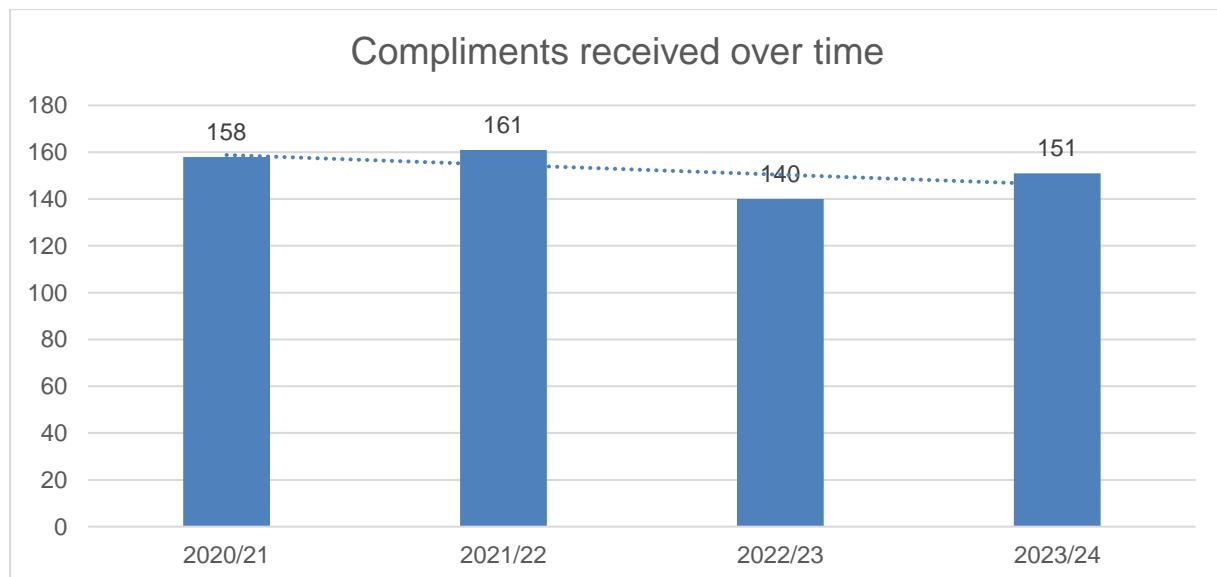
Managers are encouraged to log the compliments they receive as learning is derived from positive feedback, as well as negative.

During 2023-2024, 151 compliments were logged centrally regarding Adult Social Care. The majority of compliments related to members of staff. Trends around compliments have remained fairly consistent over the last 4 years (4 year rolling average 152 compliments per year).

Table 3 - Compliments over time

Adult Social Care Services Compliments received by year	2020/21	2021/22	2022/23	2023/24
	158	161	140	151

Chart 7 - Compliments received over time



Below are some examples of compliments received.

*"I have recently been supported by xxxx a social worker. I would like to let you know that on the visits and telephone conversations xxxx did not once judge me about the concerns raised. Instead, she and xxxx listened to me carefully at times when I felt a*

*little foolish. xxxx has a very good memory and nurturing nature which helped me feel at ease about talking about my recent situation. She sensitively approached support during conversations and it was a joy to chat to her. At the end xxxx went through some questions with me on how I felt the enquiry went and I appreciated the time she took to ask me how I felt.”*

*“We thought it important to let you know how extremely grateful and thankful we are to xxxx and xxxx for the input they have provided for our xxxx xxxx recent placement. We would especially pay tribute to xxxx who has supported xxxx from his teenage years and has battled to get the right support on his behalf. xxxx fully understands and appreciates xxxx’s problems as well as those of our own in managing his diabetes and how critical that is to xxxx’s health and well-being. She has always been there to provide the necessary support and guidance. She has provided the continuity of care that has been so important and this has been reassuring for both xxxx and us his parents. We cannot thank her enough. After numerous failed placements they have together outlined appropriate recommendations and worked on funding for our xxxx’s 24-hour placement here at our home. We are very pleased also with the choice of Care Company, xxxx. The carers are excellent.”*

*“Thank you very much indeed for completing the financial assessment for my xx year old father xxxx. Thank you very much for your help, and for the good work that you do in your team, who have always been very polite, efficient and helpful. I appreciate your assistance for my father.”*

*“I came into Shire hall Gloucester County Office with my printed off copy of the Blue Badge Form, along with additional Health Issues, I spoke with one your colleagues, introduced as xxxx, who straight away put me at ease, as I was going into the Windfield Hospital on the xxxxxx xx<sup>th</sup> August xxx and wanted to get paper work in place before my op. I claim PIP and was able to show him proof of this by my paper trail, the only concrete evidence that was a miss, was my PIP Statement of Entitlement and the Postal Order of £10.00, I was allowed to go out and get this, whilst the PIP Statement of Entitlement would require to be requested from the PIP office in xxxx, xxxx said I am not to worry about it, as the operation was first and foremost on my mind, I had already contacted PIP, explained that I am applying for a Blue Badge, but one of the questions raised was that it required my PIP Award Entitlement, that duly arrived yesterday, I didn’t know how would be feeling, but I promised xxxx, that as soon as I receive the required information to start the process of my application, I would bring it to him in person. On arriving at Shire Hall this morning by taxi and my zimmer frame, I was given the number from reception to contact representative of the Blue Badge Team, as I with the lade on the phone, whilst gone through security she explained my application had come and we will be sending your Blue Badge out to you and it should arrive by next week, please convey humble thanks to xxxx, apologies if I have spelt his name wrong , my heartfelt thanks to the whole team, you made my day and I have received the application for Blue Badge Registration. Many thanks again.”*

*“I want to start by thanking you for your recent visit. xxxx explained the figures in the letter dated xx<sup>rd</sup> May, and it was obvious that I had COMPLETELY misunderstood how much our contribution would be. I had added xxxx pension contribution to the final figure and come up with a ridiculous amount of money that I thought I would be*

*expected to pay. As much as I re-read the letter it was not clear to me what the final contribution was. Now xxxx has explained it I am satisfied with the amount; it is reasonable when xxxx pension is taken into account. I apologise for my misunderstanding, and I am very grateful to you and xxxx for the time you have taken to put me right as I know your time is precious”*

*“We wanted to provide some feedback to thank the team for their support with handling the case of my Mother, xxxx since xxxx / xxxx 2022 following her stroke in xxxx 2021. We wanted to thank in particular xxxx and her manager, xxxx who helped us navigate the very complex care landscape to help my mother fulfil her wish to move to a home of her own, once it had been adapted. This was a difficult journey for my mother (and us as a family) but xxxx and xxxx were supportive and professional throughout. Being clear on options for next steps, the process we were going through and listening to my mother to understand her wishes.”*

### **3. Local Government and Social Care Ombudsman**

If a complainant is dissatisfied with the response to their complaint, the complaint can be referred to the Local Government and Social Care Ombudsman (LGSCO). The LGSCO will usually only accept referrals that have previously been considered through the Local Authority's complaint procedure, however, under the regulatory reforms, the LGSCO now has the discretion to investigate if it is considered that there is no benefit in the Local Authority firstly considering the case.

In 2023/2024, the council received 16 referrals from the Local Government & Social Care Ombudsman regarding Adult Social Care, in the previous year it received 15.

Of the 16 referrals, 9 led to full investigations. The table below sets out the decisions made on each case by the Ombudsman.



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Chart 8 - LGSCO Complaints and Decisions year on year trends

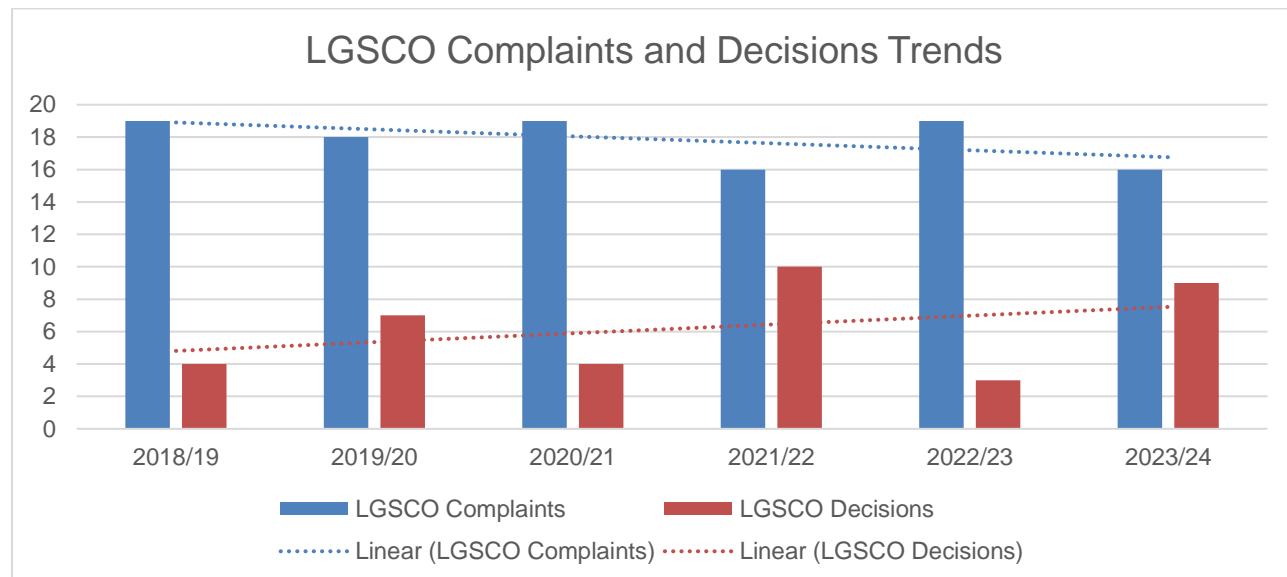


Chart 9 - LGSCO Complaints - Themes year on year.

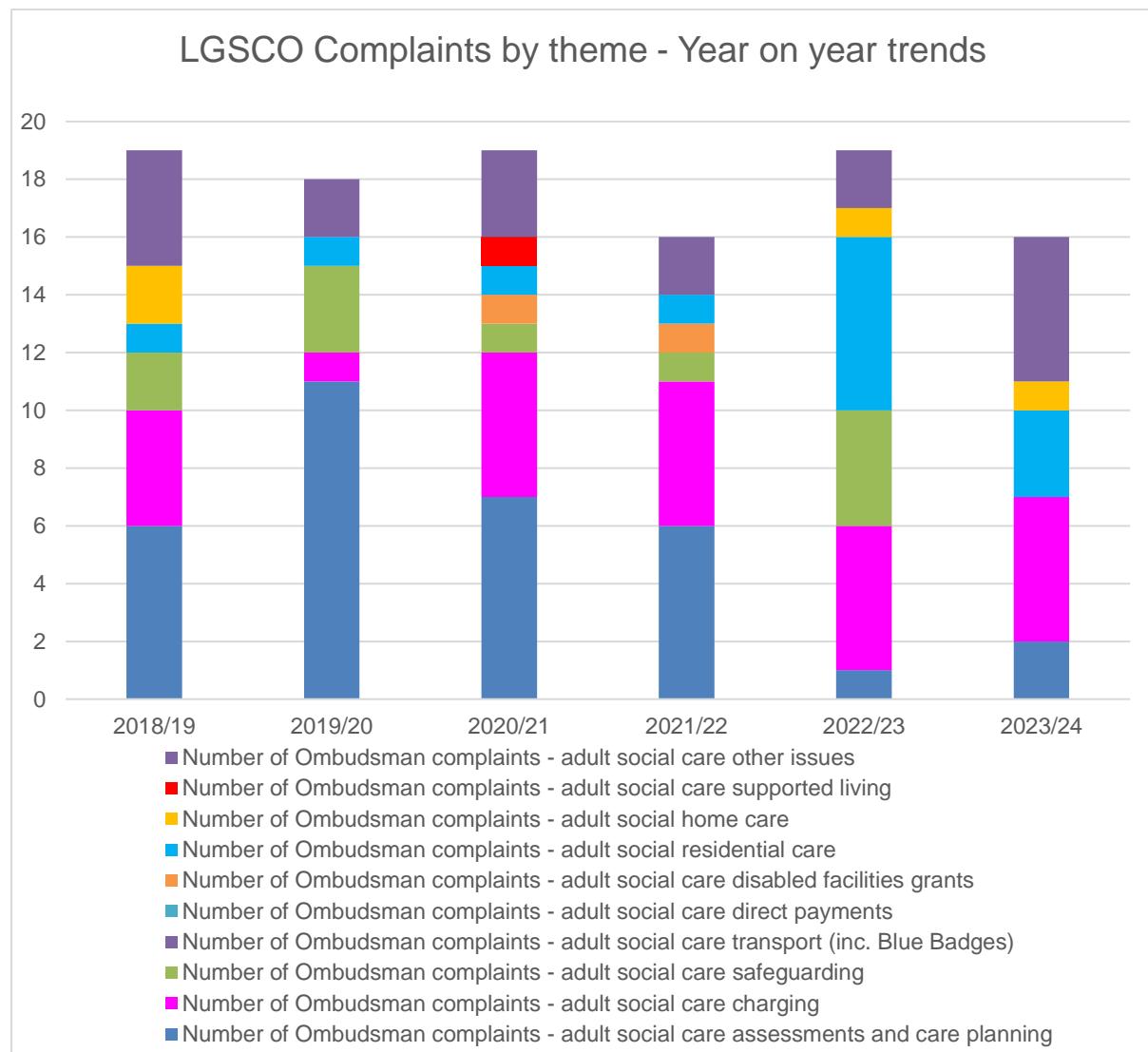


Table 4 LGSCO Decisions 2023-2024

<b>LGSCO Decision received in year ending 31 March 2024</b>				
<b>Closed after initial inquiry</b>	<b>Premature</b>	<b>No fault</b>	<b>Fault/Injustice</b>	<b>No decision made</b>
5	1	0	9	1

Overview of the 9 cases where fault / injustice was found.

<b>Case reference</b>	<b>Summary of complaint</b>	<b>Decision</b>	<b>Remedy and learning</b>
1 - 23003623	Delay in carrying out a financial assessment for a care home placement and a top up was not discussed.	There was delay in agreeing the funding with the care home and the individual was charged for longer because of a delay in ending the placement.	Individual was not charged for the period at fault.
2 - 23004732	Individual was left in an unsuitable placement even though the provider said it could not meet need.	The delay in finding an alternative placement was not entirely the fault of the council.	The complainant and individual both received £1,000 in recognition of the distress caused.  The council reviewed the way in which placements are arranged for individuals whose conditions fall outside of "normal" parameters.
3 - 23007215	Poor communication when an individual's placement ended and further poor communication and delay in informing the individual about the personal budget.	There was fault by the council in respect of communication on both matters.	The complainant and individual both received £350 in recognition of the fault identified.  An apology was provided for the fault.
4 - 23012707	A council commissioned care home imposed unfair contact restrictions between an individual and their family.	There was fault because the council failed to clarify the nature of the restrictions and actions needed to remove them.	An apology was provided for the uncertainty and confusion caused.  Staff were reminded when seeking to limit contact between an individual and their family to be clear whether it is a

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Case reference	Summary of complaint	Decision	Remedy and learning
			recommendation to the family, or, whether a formal best interests' decision is required.
5 - 23012229	An individual was incorrectly charged for residential care and the council failed to confirm how the charges had been calculated.	There was fault because the council did not provide information about the charges it intended to make.	The individual received £200 in recognition of the fault identified.  An apology was provided for the injustice and fault identified.  Staff were reminded of the importance of confirming care costs with individuals or their representatives in line with statutory guidance.
6 - 23010792	Individual did not receive appropriate care at a residential home that was commissioned by the council and the care provider did not properly respond to the families complaint, providing confusing accounts.	There was fault because the care provider provided conflicting information.	The Care provider apologised for the factual error in its initial complaint response.  The complainant received £150 in recognition of the distress caused.
7 - 23013963	Delay in carrying out a care needs assessment for a care home placement.	There was fault for the delay in allocating a social worker which meant the assessment was delayed.	An apology was provided for the delay and fault identified.
8 - 23016513	Failure to deal properly with the charges for care resulting in a long delay in completing a financial assessment.	There was fault as the council's communication about the charges as they lacked clarity which caused confusion for the family.	An apology was provided for the delay in completing the assessment and for the confusion the communication caused.
9 - 23015666	Failure to correctly calculate the contribution payment towards an individual's care.	There was fault which meant the individual paid more for their care.	An apology was provided for not properly considering the individual's outgoings in the financial assessment.

Case reference	Summary of complaint	Decision	Remedy and learning
			<p>The overpayment was reimbursed.</p> <p>Financial assessment staff and DRE Panel members were reminded of the need to consider an individual's circumstance when deciding what to treat as a Disability Related Expenditure.</p>

#### 4. Comments and Member of Parliament contacts

In addition to managing the statutory complaints procedure and administrating the compliments process, the Complaints Team also deal with a number of other letters and contacts which are usually classed as comments. These contacts are generally concerns or requests for information that can be dealt with without recourse to the formal complaints' procedure. In most cases these are dealt with within 1-2 working days of receipt.

Table 5 - Comments over time

Adult Social Care Services comments/concerns received by year	2021/22	2022/23	2023/24
	192	204	204

Of the 204 comments/concerns, 13 were made via MP's offices around the county. This represents a decrease to the previous year where 31 comments/concerns were recorded by the team from MP's offices.

#### 5. Who is using the Complaints Procedure?

This section looks at who is raising issues, complaints or concerns in regard to Adult Social Care Services, and offers some analysis of the equalities and diversity data which has been returned to us.

The following key points can be identified in regard to the people using our

complaints processes, and who answered our equalities monitoring questions:

There were 20 complaints received direct from individuals who receive a service and a further 52 from their immediate families.

### **Equalities Information**

- Where it was stated, 83% of complainants identified as White British
- Where it was stated, 50% of complainants identified as female with the rest male or unspecified
- Where it was stated, 17% of complainants identified as having a disability

## **6. Conclusion**

Within Adult Social Care in Gloucestershire, we are dedicated to enhancing our performance across all areas of our responsibility (as outlined by the Care Act, 2014). Our primary goal is to promptly address queries and complaints. To achieve this, our Complaints team monitors response times and ensures the quality and consistency of our replies. Our target is to provide responses to complainants within 20 working days, aiming for a 75% success rate. This will be an area of focus for us for the coming year.

Our recent governance restructuring, facilitated by the new Adults Quality Board, grants us greater visibility and oversight into the themes driving complaints. We leverage this thematic learning, combined with other sources of intelligence, to inform our transformation and improvement plans. Additionally, our new Principal Social Worker and Principal Occupational Therapist play a crucial role in the coming year to applying this knowledge to enhance our operational practices.

Collaborating closely with the Adult Social Care Management Team (ASMT), our complaints team identifies risks and areas for improvement based on the insights gleaned from complaints. Together, we strive to deliver exceptional care and support to those who rely on our services.

## Appendices

### Appendix 1

#### A General Summary of The Reasons Given for All Adult Care Services in 2023/24

<b>Communication</b>	Mishandling of information, not complying with GDPR (General Data Protection Regulations), data breach	1	<b>60</b>
	Delay in provision of information, response, returned contact	30	
	Not being kept informed or involved, not being listened to	13	
	Information, policy or plan not properly explained	13	
	No or little communication being given regarding absence, cancellation or lateness	2	
	Relevant staff not being available at time of contact	1	
<b>Quantity, frequency or charge for a service</b>	Inappropriate charge for service, all disability related expenditure not considered	19	<b>20</b>
	'Tax payers' money wasted	0	
	Unhappy with changes to financial support	1	
<b>Delay in decision making</b>	Decision not provided within given timescales	1	<b>9</b>
	Too long to solve overpayment issue with home or family	0	
	Too long to solve an issue with funding or contributions to care	8	
<b>Discrimination</b>	Discriminated against due to age	0	<b>0</b>
	Discriminated against due to gender	0	
	Discriminated against due to race or nationality	0	
	Discriminated against due to religion	0	
	Discriminated against due to class or on a personal level	0	
	Discriminated against due to mental health or physical health or disabilities	0	
<b>Application of eligibility and assessment criteria</b>	Decision to provide home care not residential care	2	<b>19</b>
	Unhappy with number of home calls offered	0	
	Decision to provide respite care in hospital not at home	0	
	Unhappy with outcome of Care Needs Assessment	11	
	Unhappy with outcome of FAB Assessment	6	

<b>Unwelcome or disputed decision</b>	Decision to not fund Shared Lives carer at fostering rate	0	6
	Decision to not re-imburse costs	0	
	Outcome of Safeguarding enquiry	1	
	Individual's request for additional funds refused	2	
	Additional funding not agreed for nursing placement	1	
	Decision to place SU at different home or respite	0	
	Inappropriate DOLs or Best Interest decision	2	
	Decision to move person back into their own home rather than with relatives	0	
	Decision to move SU from or to residential placement	0	
<b>Quality or appropriateness of a service</b>	Quality of charging process	4	40
	Errors made in assessment, letters, statements, minutes	3	
	Person's wishes overlooked by decision	6	
	Individual managed by incorrect Social Work Team	0	
	Key safe damaged by staff	0	
	Quality of community meals or lateness of delivery	0	
	Telecare/GIS equipment not working correctly	4	
	Reduction of care or support/care or support options offered not appropriate	3	
	No benefit seen from GCC's involvement	0	
	Quality of residential, nursing, respite care	4	
	Quality of supported living provision	1	
	Quality of domiciliary care	9	
	Inappropriately chasing a debt	2	
	Errors with invoice, invoice received late, time taken to adjust invoice	4	
	Incorrect Mental Capacity Assessment	0	
	Failure to protect from financial abuse	0	
	Worker works part time, is never contactable	0	
<b>Delivery or non-delivery of a service</b>	Equipment not delivered or collected when promised or within reasonable timescale	3	30
	Care needs assessment/financial assessment took too long or was never started	10	
	Carers assessment not completed or referred	2	
	Delay in finding a suitable placement	0	
	Delay in applying FNC or CHC or correct charge to GCC system	2	
	Limited or no support provided, support not provided in a timely way following assessment	13	

<b>Attitude or behaviour of staff</b>	Staff member displaying a lack of empathy or being unhelpful or unprofessional	8	<b>19</b>
	Staff member displaying a lack of honesty	1	
	Staff member displaying a lack of knowledge or competence	4	
	Staff member not listening to individual's wishes or pushing their own agenda	4	
	Staff member not talking to interested parties in the case or listening to other professionals	1	
	Staff member displaying rude or aggressive behaviour	1	

## Appendix 2

### The Complaints Process Explained

#### What is a complaint?

*'An expression of dissatisfaction or disquiet about services delivered or commissioned on behalf of an individual by the Local Authority, which requires a response'.*

#### Who can make a complaint?

- Anyone who is dissatisfied with the service they have received from Adult Social Care or with an Adult Social Care decision, action or omission may make a complaint. This includes:
- adults with care and support needs
- their carers
- young people aged under 18, their carers and young carers aged under 18 who are transitioning to Adult Social Care
- a representative of someone who has used our Adult Social Care Service (including someone who has died)
- Anyone who is self-funding their care and support arrangements and has entered into an agreement independently of the Council with a social care provider (such as a care home or a home-care agency), should complain directly to The Local Government & Social Care Ombudsman.

#### Stages of the complaints procedure

The statutory complaints procedure has 2 stages:

1. **Stage 1:** This is the most important stage of the complaints procedure, and the one at which service areas / external contractors providing services on our behalf are expected to resolve as many complaints as possible.

We will investigate complaints thoroughly, fairly and without delay. In most cases

we will provide the outcome of our investigation in writing within twenty (20) working days of receiving the complaint. If we are unable to complete our investigation within this timeframe, we will agree a reasonable deadline for a response with the complainant. Unless a complaint was made anonymously, we will keep complainants informed about progress and about any unexpected delays.

2. **Stage 2:** We encourage anyone who is concerned about the final outcome of their complaint to discuss their concerns with the Complaints Manager to explore any further avenue that may provide a resolution.

Anyone who is not satisfied with the final outcome has the right to ask the Local Government and Social Care Ombudsman to review their complaint. We will provide information about how to contact the Local Government and Social Care Ombudsman and will co-operate with any requests from the Ombudsman.

### **Local Government and Social Care Ombudsman**

The Local Government & Social Care Ombudsman is an independent government body, empowered to investigate complaints about councils when the council's own investigations have not provided resolution. They offer a free service, and can both offer advice and '*investigate complaints in a fair and independent way*' (Source - <https://www.lgo.org.uk>).

Complainants retain the right to approach the Ombudsman at any time, though the Ombudsman will typically expect complainants to have completed the council's complaints process before they investigate matters themselves.

For more details please click on,  
<https://www.lgo.org.uk/>

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## References

<sup>1</sup> <https://www.goucestershire.gov.uk/media/0dyof4uo/asc-complaints-policy-oct-2021.pdf>

<sup>2</sup> <https://www.goucestershire.gov.uk/council-and-democracy/complaints-and-feedback/complaints-about-adult-social-care/>