



## **Adult Social Care**

### **Complaints, Compliments and Comments Annual Report**

**01<sup>st</sup> April 2022 - 31<sup>st</sup> March 2023**

## **Foreword**

I am pleased to present the 2022/23 Adult's Complaints, Compliments and Comments Annual Report. It forms an essential part of our approach to assuring the quality of our services and to achieving our ambition of aspiring to be one of the best Adult Social Care departments by citizens, colleagues, partners and providers and by the Department of Health and Social Care and the Care Quality Commission in their assurance processes.

In order to improve how we work we must pay heed to information in this report. We will ensure that complainant's views have been heard and where appropriate changes to our systems and processes are made to prevent a recurrence.

We work closely with colleagues in the Council's Complaints team to ensure that we provide timely and robust responses, in accordance with the complaints policy. The Adult's directorate aim to address complaints at the earliest opportunity through informal dialogue, whenever possible. However, this is not always possible, and the report details the examples of where our service users and their families have referred their complaints to the Local Government and Social Care Ombudsman for their consideration.

I hope you find this report informative and that it provides assurance that my team and I take the complaints, compliments and comments we receive seriously. We will continue to strive to learn from these situations and to improve our services for the people of Gloucestershire.

Best wishes,

Sarah Scott  
Executive Director of Adult Social Care, Wellbeing and Communities

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## **1. Introduction**

The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 require all Councils with social care responsibilities to produce an annual report on the operation of the complaints procedure.

The Department of Health policy guidance requires that this report should include a summarised statistical analysis and review of the effectiveness of the Adult Social Care complaints procedure. It does not include complaint information relating to statutory Children's Social Care, wider Council services or any partner NHS agency.

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

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

## **2. Summary of Activity**

Key findings;

In 2022-2023,

- 107 Adult Social Care complaints were received by the Council.
- 204 concerns were resolved without recourse to the complaints process.
- Adult Social Care received 140 compliments covering all service areas.
- 15 complaints were referred to the Local Government and Social Care Ombudsman's Office (LG&SCO). Further detail can be seen on page 10, including Council learning.

## **3. Complaints Activity**

The complaints process comprises of two overall stages to comply with legislative requirements:

- Local Resolution which is the responsibility of the Local Authority, and,
- Recourse to the LG&SCO. (Further detail provided in Point 5 below)

### **Trends**

In 2022-2023, 107 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 126 complaints were received. It remains positive that formal complaints remain relatively low as a lot of effort is placed on resolving issues without escalation to the formal complaints procedure by the service areas and Complaints team.

Number of Adult Social Care complaints managed at :	During 2018/19	During 2019/20	During 2020/21	During 2021/22	During 2022/23
Stage 1	139	138	92	126	107
LG&SCO	10	19	17	14	15

Of the 107 recorded complaints in 2022-2023:

- 21% were upheld
- 32% were partially upheld
- 47% were not upheld

A further 23 complaints from customers were received but these were handed over / signposted to other agencies as they were not in relation to services provided by the council.

The only prescribed timescale within the regulations is that a complaint should be acknowledged within 2 working days of receipt. The percentage of complaints received in 2022/2023 which were acknowledged within 2 working days was 57%. As a Council we need to improve on this figure as in some cases, complaints are received elsewhere within the Council before reaching the Complaints Team. This can cause a delay in those complaints being acknowledged and therefore the Complaints Team will re-emphasise to the service areas the importance of sending complaints on as soon as they are received.

Of the 107 complaints received in 2022/2023, 73% were responded to within 20 working days.

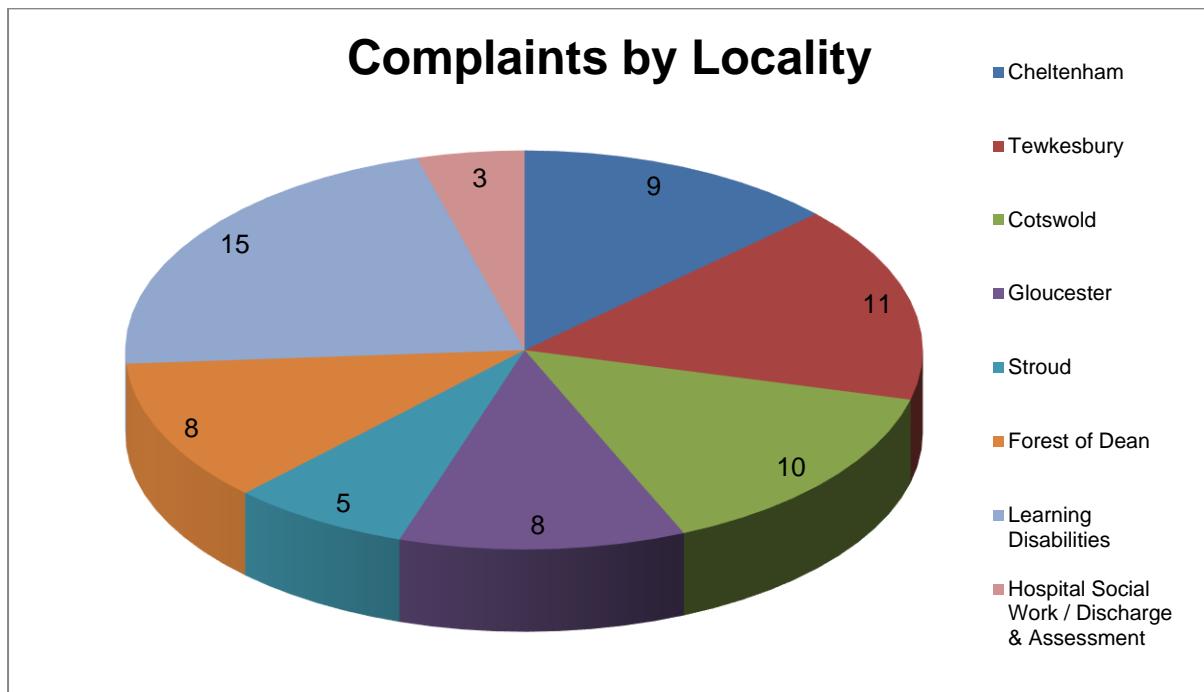
### **Analysis of Complaints**

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.

#### **Adult Social Care Locality Team Complaints**

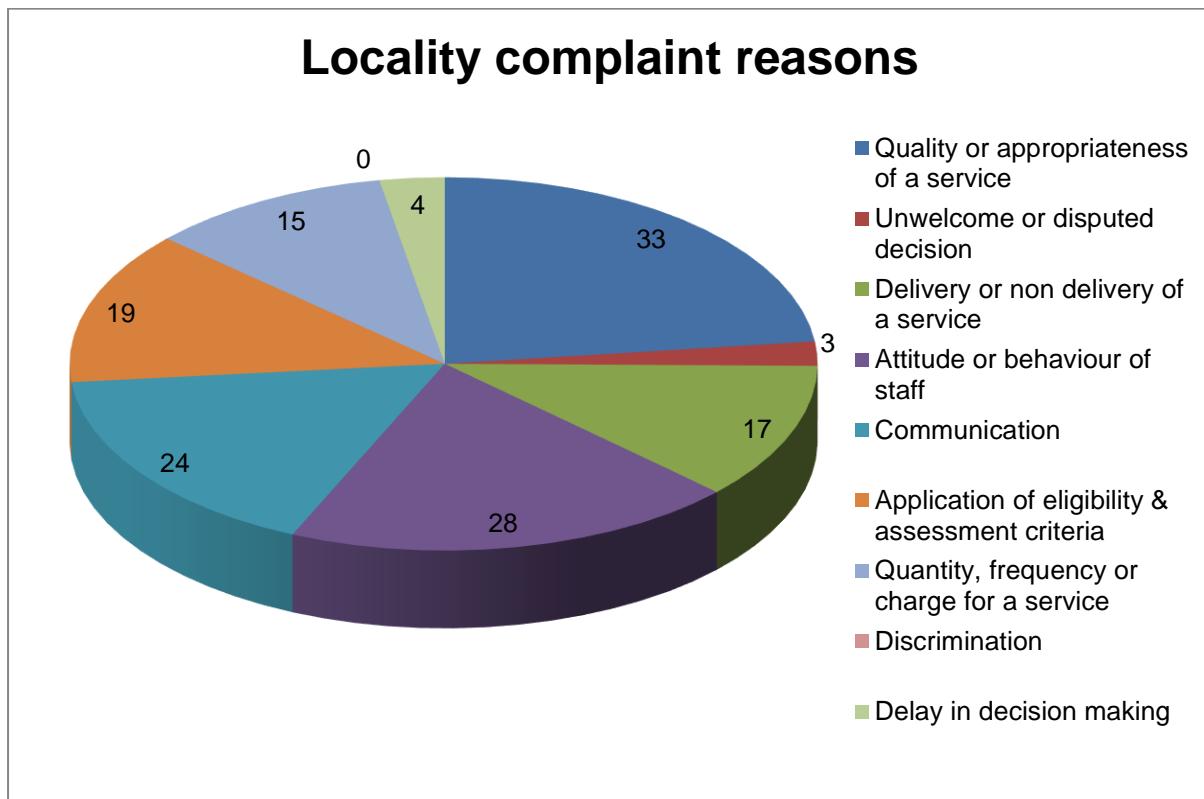
This section provides a summary of the complaints received by each of the 8 Locality Teams in the County, including the Learning Disability and Hospital Social Work teams.

There was a total of 69 complaints recorded for the year (56 in the previous year). It should be noted that the total number of formal complaints dealt with by the ASC teams is very low in comparison to the number of contacts received and the number of active cases each locality holds. It should also be noted the time and effort locality managers and their staff expend on resolving issues with individuals before they become formal complaints, hence the low number of formal complaints.

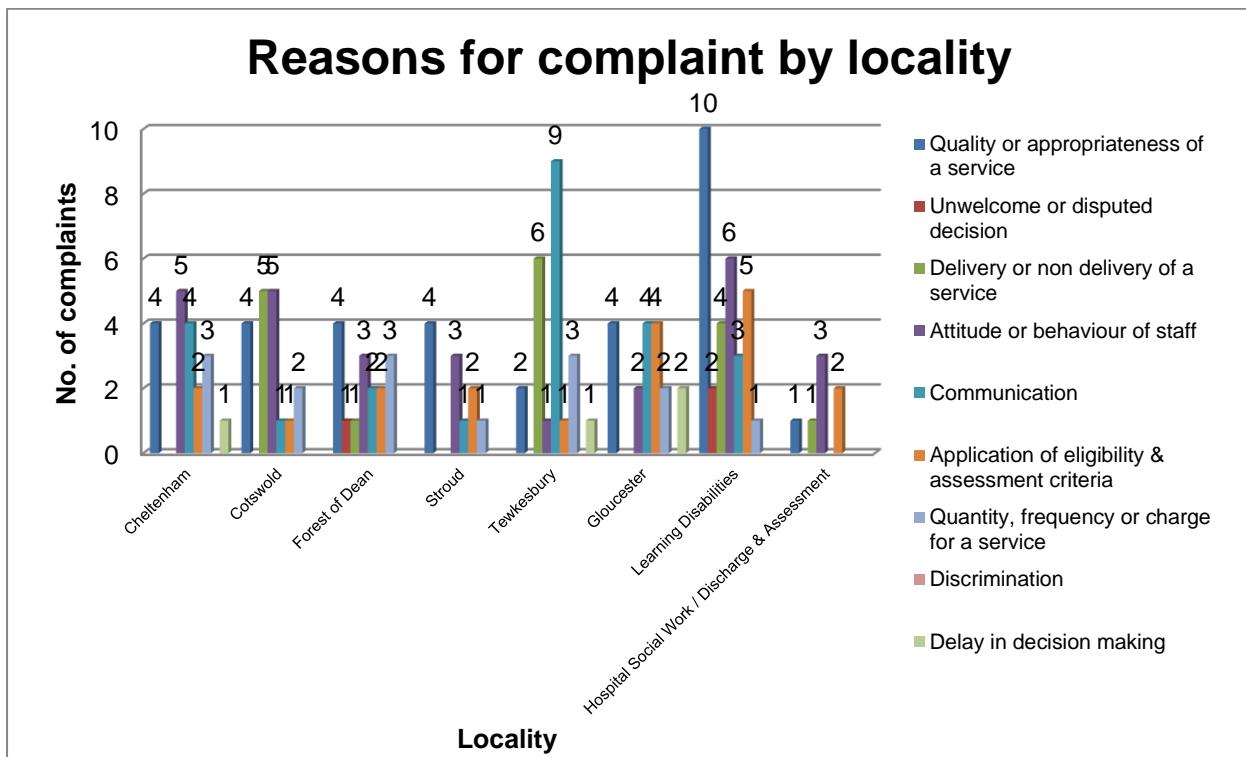


### Reasons for complaint

Many individual complaints include more than one area of concern and the chart below outlines the main reasons for the 69 complaints received in the year across the 8 localities.



## Issues raised (within each locality)



### Specific Themes Highlighted by Complaints in the Locality teams and Hospital Social Work teams

Analysis of the collected data evidence that the main general themes from locality complaints are:

- Communication and Conduct of staff, including,
  1. Timeliness of responding to telephone messages and e-mails
  2. Individuals / families not being kept informed about decisions and not feeling involved / failure to provide clear and accessible information regarding the assessment process
  3. Challenge to Mental Capacity Assessments
  4. General conduct of staff, including lack of empathy, unhelpful, lack of knowledge, displaying rude behaviour, ignoring individual's wishes, disregarding cultural and religious values, and principles
- Assessments took too long / had multiple assessments in short time frame
- Assessment outcome was wrong, and the subsequent care offered was not appropriate to the need
- Care pathway and subsequent funding was not made clear
- Social Work teams take too long to resolve issues, including funding arrangements

As a general observation, along with communication, many complaints highlight the disjointed processes employed by the council in relation to adult social care charging. There are long term internal change projects to improve the systems, but the impact on the Integrated Social Care Managers is significant in terms of their time to unpick and addressing the issues.

Some of the themes below also highlight issues that form part of the overall process.

### **Other General Adult Care Service Complaint Themes**

Gloucestershire Industrial Services (GIS) received 3 complaints in the year (20 were recorded in 2021/22).

In summary the themes were;

- Items that GIS had promised to be delivered / collected did not happen
- Incorrect items delivered
- E-mails / telephone messages were not responded to and telephone calls were not answered / promises of call back did not happen

The Finance and Benefits (FAB) Team received 6 complaints in the year (10 in 2021/22).

In summary the themes were;

- Factual errors in the financial assessment / time taken to complete
- Final outcome letter not received
- A decision letter was sent to an individual and not the Lasting Power of Attorney
- Challenge to deprivation of assets decision
- Assessments not taking into account disability related expenses (DRE)

The Adult Safeguarding / Deprivation of Liberty Safeguards (DoLs) team responded to 4 complaints (2 in 2021/22).

- Inappropriate response to Section 42 enquiry
- That a DoLs Authorisation was not in place despite an individual not being allowed to return home
- Appointment decision of individual's Relevant Person's Representative was wrong

The Admin Finance team dealt with 2 complaints (2 in 2021/22)

- That incorrect invoices were sent and took too much time to resolve

The Client Affairs team responded to 1 complaints (2 in 2021/22).

- That a request to purchase specific equipment was refused

## A General Summary of The Reasons Given for All Adult Care Services in 2022/23

<b>Communication</b>	Mishandling of information, not complying with GDPR (General Data Protection Regulations), data breach	4	<b>41</b>
	Delay in provision of information, response, returned contact	15	
	Not being kept informed or involved, not being listened to	11	
	Information, policy or plan not properly explained	7	
	No or little communication being given regarding absence, cancellation or lateness	4	
	Relevant staff not being available at time of contact	0	
<b>Quantity, frequency or charge for a service</b>	Inappropriate charge for service, all disability related expenditure not considered	17	<b>18</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>5</b>
	Too long to solve overpayment issue with home or family	1	
	Too long to solve an issue with funding or contributions to care	3	
<b>Discrimination</b>	Discriminated against due to age	0	<b>1</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	1	
<b>Application of eligibility and assessment criteria</b>	Decision to provide home care not residential care	0	<b>22</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	16	
	Unhappy with outcome of FAB Assessment	6	
<b>Unwelcome or Disputed Decision</b>	Decision to not fund Shared Lives carer at fostering rate	0	<b>7</b>
	Decision to not re-imburse costs	1	
	Outcome of Safeguarding enquiry	2	
	Individual's request for additional funds refused	2	
	Additional funding not agreed for nursing placement	0	
	Decision to place SU at different home or respite	0	
	Inappropriate DOLs 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	3	

<b>Quality or appropriateness of a service</b>	Quality of charging process	2	55
	Errors made in assessment, letters, statements, minutes	1	
	Person's wishes overlooked by decision	3	
	Individual managed by incorrect Social Work Team	0	
	Key safe damaged by staff	0	
	Quality of community meals or lateness of delivery	0	
	Telecare equipment not working correctly	1	
	Care or support options offered not appropriate	9	
	No benefit seen from GCC's involvement	0	
	Quality of residential, nursing, respite care	9	
	Quality of supported living provision	7	
	Quality of domiciliary care	6	
	Inappropriately chasing a debt	9	
	Errors with invoice, invoice received late, time taken to adjust invoice	4	
<b>Delivery or non delivery of a service</b>	Incorrect Mental Capacity Assessment	4	21
	Failure to protect from financial abuse	0	
	Worker works part time, is never contactable	0	
	Equipment not delivered or collected when promised or within reasonable timescale	4	
	Care needs assessment took too long or was never started	7	
	Carers assessment not completed or referred	0	
<b>Attitude or Behaviour of staff</b>	Delay in finding a suitable placement	3	43
	Delay in applying FNC or CHC or correct charge to GCC system	1	
	Limited or no support provided, support not provided in a timely way following assessment	6	
	Staff member displaying a lack of empathy or being unhelpful or unprofessional	13	
	Staff member displaying a lack of honesty	3	
	Staff member displaying a lack of knowledge or competence	12	

There were a total of 15 complaints made solely or in part about externally commissioned services for adults, 5 for permanent residential placements and 6 for domiciliary care services plus 4 for Learning Disability/Supported Living services. All these complaints concerned the quality of the care provided by individual providers. As in previous years, the Complaints Service worked closely with the Commissioning Team/Learning Disability Team to try to resolve these issues.

#### 4. 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 (LG&SCO). The LG&SCO will usually only accept referrals that have previously been considered through the Local Authority's complaint procedure, however, under the regulatory reforms, the LG&SCO now has the discretion to investigate if it is considered that there is no benefit in the Local Authority firstly considering the case.

In 2022/23, the council received 15 referrals from the Local Government & Social Care Ombudsman regarding Adult Social Care, in the previous year it received 14.

Of the 15 referrals, 6 led to full investigations. The table below sets out the decisions made on each case by the Ombudsman.

LG&SCO Decision received in year ending 31 March 2021				
Closed after initial inquiry	Premature	No fault	Fault/Injustice	No decision made
9	0	3	3	0

Of the 3 cases that had a finding of fault, the remedies provided by the council were,

**Case 1**, A care provider made a charitable donation of £2,000 to the chosen charity of the complainant in recognition of identified fault in relation to the care and support of an individual.

**Case 2**, An apology was provided for the delay in assessing and deciding an individual's Disability Related Expenses (DRE).

The individual received a payment of £200 for the identified fault in having to pay a higher contribution to their care.

The complainant received a payment of £200 to recognise the time and trouble taken to pursue the complaint and for the subsequent distress caused.

The Ombudsman further asked the council to reconsider certain DRE's, and if agreed, to back date and adjust the charge.

**Case 3**, An apology was provided for the identified fault of the commissioned care provider, including a failure to communicate properly.

Adult Social Care paid the complainant £650 in recognition of the uncertainty, distress, time, trouble and frustration caused by care provider in its dealings with the complainant.

In addition, Adult Social Care were asked to ensure the care provider:-

- reviews "End of Life" care plans so they are relevant to time and health of a resident;

- reminds staff and if necessary, provides training about the need to update care plans and the detail required within a care plan;
- reminds staff and if necessary, provides training about the importance of social interaction and family contact to mental wellbeing;
- reminds staff and if necessary, provides training about the importance of recording and sharing information with appropriate family members;
- reminds staff and if necessary, provides training about dealing with ongoing concerns as complaints, and investigation of complaints.

### **Further Changes to Practice as a Result of Complaints (All Service Areas)**

Many complaints only require actions to improve things for individuals, however, a small number of complaints highlight shortfalls in a service as a whole as evidenced in the Ombudsman section above. 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.

The following represent the actions taken, or changes to practice implemented, that were identified through the complaints procedure in 2022/23, in addition to the actions identified following concerns raised via the Ombudsman as discussed above.

#### **Locality Teams**

- Staff were reminded to check all information is correct in assessments and that no old and outdated information is pulled through to new assessments

#### **GIS**

- Staff reminded about the working practices regarding the delivery and collection of equipment and how the service needs to effectively communicate with its customers
- Training provided to driver/fitters on how to report shortages on delivery schedule, and a “report it” system developed
- Training provided to call handlers on customer service and communication

#### **Commissioned Permanent and Respite Care**

- A provider reviewed its medication procedures and retrained staff in its application
- A provider reviewed its care planning documentation and retrained staff

## Commissioned Domiciliary Care Agencies

- A provider reviewed its complaints procedure and its accessibility to customers

## 5. 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.

In the reporting period there were 204 comments dealt with by the team, this is an increase to the previous year when the team dealt with 192 contacts in this way. Of the 204 comments, 31 were made via MP's offices around the county. This represents a decrease to the previous year where 56 concerns were recorded by the team from MP's offices.

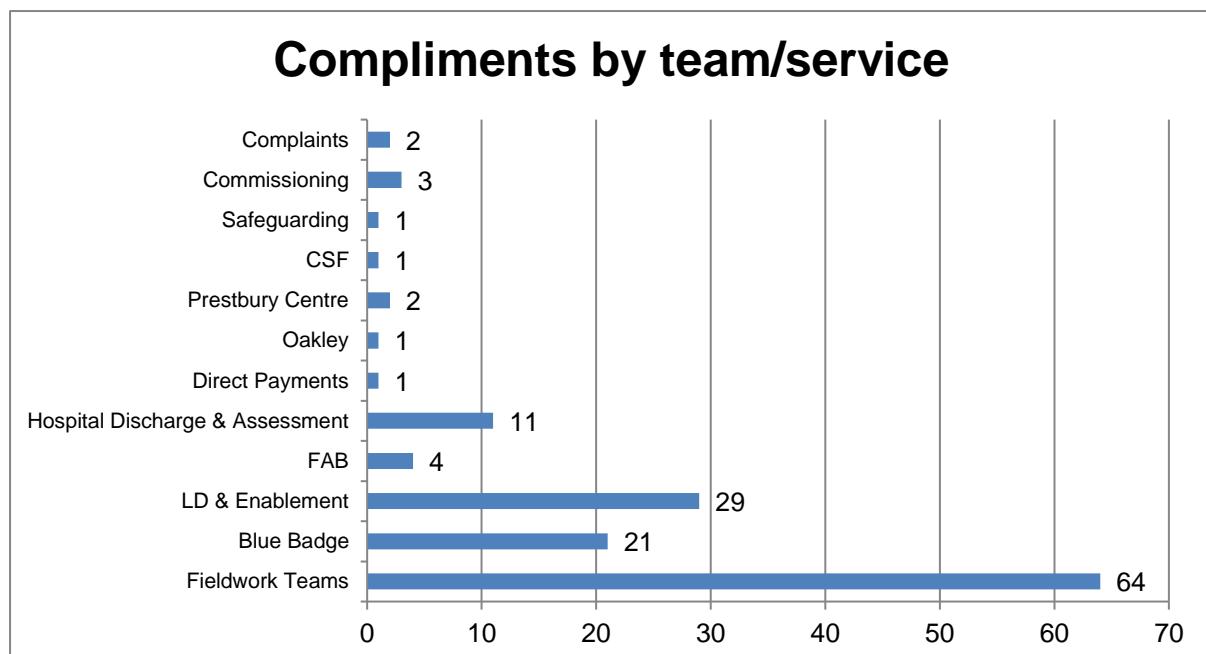
## 6. Compliments Activity – An Overview

This section looks at the positive feedback received. Recording compliments enables the Adult Social Care Service to recognise the positive comments made about services and staff which provides an opportunity for management to congratulate employees.

The table below compares the number of compliments received in 2022/23 with the number received in previous years.

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

### Compliments by Team



## What positive things are people saying?

Some examples of the positive comments made by service users are:

- One family member said : *"I hope you are doing well. I just wanted to say a massive thank you for all the help and support with placing Mum. xxxxxx was so kind and helpful. It's been exceptionally tough for all in the Health and Social Care system. I know the Herculean efforts everyone has made. I wanted to thank you all for everything you've all done. Please thank all involved. It is really appreciated. Take care and know you are appreciated."*
- One family member said : *"I just wanted to email and say thank you so much for passing this onto xxxxxx. xxxxxx responded really promptly, explained everything and sorted it out so that Social Services can now do their full assessment on my mum. I really appreciate it and am so relieved so thank you for passing the complaint onto him and to him for getting to the bottom of the issues and sorting it out."*
- One family member said : *"We spoke to xxxxxx yesterday and the two of you have been the dream team. We understand that you are signing off but will miss you. Mum says you are a lovely lady who is very understanding. We are grateful that both you and xxxxxx have helped us establish dad's care routine. We wish you all the best going forward."*
- One family member said : *"I cannot thank you enough for the care and compassion you extended to us both, and for the time that you dedicated to us. I know that my mum would have wanted to thank you too and would have been so appreciative of all that you did for us. You really are a very special and wonderful lady. I have no doubt that your work in adult social care, however much you love it and find it rewarding, must be very demanding and difficult at times. Please, never doubt the importance of what you do and the impact that you have on others."*
- One family member said : *"Over the last 6 months I have been dealing with adult social services with regards to my Nan who is xxx with dementia & has recently moved into a residential care home. I know that social workers often get bad press and in a professional capacity (working in health & social sector) I've not always had a great experience but however as a user/family I just wanted to let you know about the exceptional service I have received from xxxxxx. xxxxxx has been a constant source of support not only for my Nan but for myself too. xxxxxx has visited Nan and was very kind to her but more so she has kept me fully updated, answered my never ending questions in a friendly but professional manner and has restored my faith in social workers. Knowing from my own experience at work that our 3 c's folder doesn't always have enough compliments (!), I just wanted to pass on positive feedback where it's due and to let you know that xxxxxx has made an incredibly difficult situation for my family the best it could possibly be. She is definitely an asset to xxxx social services and we feel lucky to have been allocated xxxxxx"*
- One family member said : *"THANK YOU many times over for coming today. I am truly grateful. Your approach to xxxxxx and myself is amazing and quite wonderful. One of the best I have experienced and seen. You are so very calm and have a lovely energy around you..its filled with love for people.*
- One family member said : *"We have been fully supported through every step of assessing our relative to establish her mental health and well being, her levels of capacity, and if her needs were being met in her current room within a local care*

*home at a very difficult time. We were treated with respect, understanding, empathy and the upmost professionalism. As a result we know mum has an amazing allocated social worker team lead. We also know the team within Dols Services Gloucestershire also worked professionally in mums best interests and found in support of our own thoughts and ideas about mums care. We can not praise the teams highly enough and as a result mum is now flourishing in a new care home. We should never underestimate how hard teams work for good outcomes”*

- One family member said : “*She has been working on mum's case and my sister and I just wanted to feedback how reassuring, helpful and informative xxxxxx has been. She has helped us step by step and has been nothing but patient, considerate and kind. My sister and I are dealing with not only the emotional side of mum's illness and being in xxxxxx xxxxxx but the utter confusion around mum's funding and the differences in what we see when we visit mum compared to what the nursing home are recording, etc. xxxxxx has been clear, calm and patient in dealing with our many, many questions without once making us feel stupid or irrational and it means so much to have her on mum's case.”*
- One family member said : “*Thank you so much for all you have done for xxxxxxxx, you have been absolutely amazing in sorting things out and getting things done. xxxxxx has enjoyed your visits and has really appreciated your input, and I'm sure he will miss you. With very best wishes to you, please know that you have been worth your weight in gold, and have made an incredible positive impact on xxxxxxxx life, and on mine”*

## 7. Who is using the Complaints Procedure?

This section looks at who is raising issues, complaints or concerns in regard to Adult 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 14 complaints received direct from individuals who receive a service (including 3 via advocates/representatives) and a further 93 from their immediate families (including 20 from parents)
- Concerns and requests for help and/or information via MPs decreased in 2022/23 with 31 contacts received. This is compared with 56 contacts received via them in 2021/22
- 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

## 8. The Complaints Process Explained

This report provides information about complaints which were made between 1 April 2022 and 31 March 2023, and handled under The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

All timescales contained within this report are in working days.

### 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:

**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.

**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/>

## **9. Summary**

In 2022/23 the Complaints Team received a total of 311 contacts (107 formal complaints and 204 comments) relating to customers' dissatisfaction with the Council's Adult Social Care Service, all with varying degrees of complexity. 15 cases were referred to the LG&SCO where, in only 3 cases, the LG&SCO found fault. Overall these figures represent a decrease in formal complaints to the previous year (126 in 2021/22) and an increase in comments (192 in 2021/22). The figures suggest that the Adult Care Service remain effective in dealing with customer complaints and comments, with a relatively small number having a finding of fault when escalated to the LG&SCO.

This report also demonstrates that Adult Social Care engenders a culture of learning from their mistakes by acknowledging them, reviewing the issue and creating new processes and working practices to avoid the same mistakes happening again. To enhance this learning loop the Complaints team are regularly attend an Adult Care risk meeting where complaint themes are discussed with senior leaders on a quarterly basis.

To support the Adult Social Care Complaint process there is 1 full time Complaints and Compliments Coordinator and 1 full time Complaints Manager who also has responsibility for managing the Corporate and Children's Complaints processes.

Colin Davies  
Complaints Manager

Gary Liddington  
Complaints and Compliments Coordinator

October 2023