



Cheshire West and Chester Council

Adult Social Care Complaints and Compliments

Annual Report
2023 – 2024

1. Introduction

This report provides information about the Adult Social Care Complaints and Compliments received by Cheshire West and Chester Council during the period 1 April 2023 to 31 March 2024. It highlights performance against statutory and internal timescales for complaint handling and provides assurance that improvements or revisions to services have been identified because of listening and responding to both compliments and complaints.

The Council's Customer team, part of the Companies, Compliance and Assurance service within the Governance Directorate, was responsible for the council-wide coordination of Adult Social Care complaints and compliments during this period. Adult Social Care services are responsible for the triage, investigation and responses to complaints and compliments. They must also satisfy themselves that any commissioned providers have also dealt with them appropriately and in line with any contractual or statutory requirements

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

The objectives of this report are to:

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

Context

Whilst considering this report it is important to see the overall picture of Adults Social Care involvement in the Cheshire West and Chester area. During this period, we provided services to 11,700 adults (age 18 and over and are receiving one or more service). 19 formal complaints were handled representing less than 1% of service users.

1.1 Summary of Complaint Activity

A total of **107** representations were received this year, of these **19 formal complaints** were accepted.

Of the remaining representations:

- 78 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).
- 3 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.
- 7 cases were refused as 'ineligible' as there was a more appropriate alternative pathway to address the concerns raised, such as via the Corporate Complaints process.

1.2 Comparison with Previous Years

The table below shows the number of representations and progressed complaints for 2023/24 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
2023-24	19	78	3	7	107
2022-23	19	40	2	22	83
2021-22	26	50	5	14	95
2020-21	28	45	4	25	102

1.3 Number of Complaints - Observations

The number of complaints received remains consistent with previous years but requests for service received via the complaints route have increased by 92% which suggests that we need to revisit our signposting to complaints versus service requests.

In 2023 –2024 the number of enquiries that became formal complaints reduced from 23% to 19%, a sign that early resolution is improving across by adult services.

1.4 Complaint Outcomes

Table 2 - Outcomes and comparisons with previous years

Year	Upheld	Partially upheld	Not upheld	Outstanding	Total
2023-2024	3	5	11	0	19
2022-2023	3	6	10	0	19
2021-2022	5	10	11	0	26
2020-2021	13	8	7	0	28

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

1.5 Breakdown of complaints received by Service Area

Table 3 – Breakdown of complaint by service area

Service Area	2023-24	2022-23	2021-22	2020-21
Prevention and Wellbeing				
Northwich & Winsford Patch Team	5	1	2	3
Chester, E.Port & Rural Patch Team	7	11	8	15
Learning Disability Team (Including Transitions)	4	2	4	2
Occupational Therapy	0	0	3	3
Review Team	3	1	1	0
Reablement and Provider Services	0	0	0	0
Community Mental Health	0	0	1	2
Hospitals Social Work Teams	0	2	3	2
Safeguarding Team*	0	0	0	0
Commissioning	0	1	1	0
Emergency Duty Team	0	0	0	0
Community Access Team	0	0	0	0
Solutions Team (new team)	0	0	0	0

Service Area	2023-24	2022-23	2021-22	2020-21
Home Assessment Team (HAT) & Placement Assessment Team	0	0	1	0
Other**VIVO	0	1	2(MCA & DOLS)	1(MCA & DOLS)
Total	19	19	26	28

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

The slightly higher number of complaints for the Chester, Ellesmere Port and Rural patch, is the usual pattern and reflects the higher population in this area. Although there has been a decrease on previous years.

1.6 Complaints by Subject

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

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

Table 4 – Complaint Subject

Complaint Subject (primary area of concern)	2023-24	2022-23	2021-22	2020-21
Standard / Quality / Appropriateness of Service	12	12	14	19
Ignoring Concerns	0	2	3	2
Appropriateness of service (care package)	4	1	1	3
Issues with Provider	1	1	1	5
Inaccuracies in assessments	0	4	0	0
Lack of support (including delay)	5	2	5	6
Standard of care	2	2	4	3
Social Worker – Attitude or Behaviour	0	0	0	0

Complaint Subject (primary area of concern)	2023-24	2022-23	2021-22	2020-21
Social Worker – Communication & Information	3	2	4	1
Financial / Cost Issues*	4	5	8	8
Total	19	19	26	28

There has been a significant decrease in the recording of inaccuracies in assessments as the main cause of complaint, with none recorded in 2023/24 compared to them representing 21% (total of 4) of complaints the previous year.

1.7 Complaint Response Times

Table 5 – Compliance Rates

No. of Working Days	2023-2024	2022-2023	2021-2022	2020 -2021
20 working days or less	5	2	12	6
21-40 working days	7	4	6	5
41-60 working days	3	8	3	2
61-80 working days	1	0	1	2
81-100 working days	1	2	0	4
Over 100 working days	2	3	4	9
Total	19	19	26	28

There is no statutory requirement to respond to complaints within 20 days, this is a locally agreed target. Adult social care cases are often complex, involve the wider family, and tend to take longer to investigate and form an appropriate response. Still, most of these complaints (60%) were answered within 40 working days, reflecting the same timeframe for a complex stage 2 corporate complaint.

1.8 Point and Method of Receipt of Complaints

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

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

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

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

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

Table 6

Point of receipt	2023-24	2022-23	2021-22	2020-21	2019-20
Service Area	1	2	5	9	7
Customer Relations Team	18	14	14	18	23
Director/Head of Service	0	1	4	1	2
Chief Executive	0	1	0	0	0
Other	0	1	3	0	3
Total	19	19	26	28	35

Table 7

Method of receipt	2023-24	2022-23	2021-22	2020-21
Letter	3	3	3	2
Telephone/verbal	0	0	0	2
Email	1	2	13	16
Online complaints	0	6	9	5
Feedback Form	0	0	1	3
Firmstep (Council website)	15	8	N/A	N/A
Total	19	19	26	28

1.9 PROFILE/CATEGORY OF COMPLAINANTS

A summary of customer profile and type of customer interaction has shown that most complaints continue to be raised by the son/daughter.

Table 8

Person making the complaint	2023-24	2022-23	2021-22	2020-21
Care recipient	0	6	2	4
Parent/s	4	0	6	5
Grandchild	0	0	0	0
Husband / Wife	2	3	2	1
Sibling	1	2	0	0
Executor	0	0	0	0

Son / Daughter	11	7	15	17
Advocacy service	0	1	0	1
Friend	0	0	1	0
Other	1	0	0	0
Total	19	19	26	28

2.0 Local Government and Social Care Ombudsman (LGSCO)

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

In 2023-2024 the Ombudsman:

- Received 76 complaints (an increase of 8.5% on the previous year)
- Made decisions on 77 complaints (an increase of 13% on the previous year)
- Upheld 13 complaints (an increase of 62.5%)

Of the 13 Upheld complaints 3 related to Adult Social Care, which is no change from last year. This year the remedial payments recommended by the Ombudsman (and actioned by the Council) totalled £8,486.07. We always aim to remedy fault prior to escalation to the Ombudsman so will work with the service to consider more robust and reasonable remedies at the first stage.

Reference	Category	Remedy	Service improvement recommendations	Total Cost of Remedy
23001896	Adult Care Services	Financial redress: Avoidable distress/time and trouble		£500 in respect of its poor communication £6036.07 care charges written off
23010642	Adult Care Services	Remedy offered during consideration		Additional funding of 6 weeks 1:1 care
21013884	Adult Care Services	Apology, Financial redress: Avoidable distress/time and trouble, Financial redress: Loss of service, Procedure or policy change/review, Provide training and/or guidance	The Council should send the Ombudsman an evidence based action plan of its progress towards the following service improvements: prioritise attending Care Programme Approach (CPA) meetings led by the	£1500 each in recognition of the lack of care and support £250 each for the loss of legal entitlement to section 117 aftercare

Reference	Category	Remedy	Service improvement recommendations	Total Cost of Remedy
			NHS, as and when invited; ensure section 117 aftercare plans are available on each section 117 case and reviewed in a timely fashion; a phased implementation of a new section 117 aftercare plan from April 2023; and staff training on section 117 cases.	[Note the above 2 remedies were also required to be paid by the Integrated Care Board]. £200 to acknowledge her time and trouble in pursuing her complaint and the additional distress and frustration this caused her

3.0 COMPLIMENTS RECEIVED

Table 9

Year	2023-24	2022-23	2021-22	2020-21
No. of Compliments	80	91	177	83

The number of formal compliments recorded continues to be low and, in our view, does not reflect the true number of compliments received informally via the service (e.g. thank you cards etc). We are exploring with services how we can improve the process for recording these informal compliments so that they can be included alongside figures for compliments from customers who have completed the formal online form. A consistent approach as to how services respond to compliments will also be reviewed in 2024/2025.

Examples of some compliments are:

- i first contacted when going through chemo, and i couldn't stand long enough to peel a potato.XX issued a perching stool and I couldn't be without it now, I lost my appetite through the chemo but I am slowly getting it back, today I am making pancakes that I have been wanting for ages, my daughters offered to make them but I told them I want to do it myself with the help of the stool.XX ordered a bath board, I wasn't accessing the shower at all before, and years ago I would have two baths a day so this really bothered me, when I was using the shower I would have to sit on the bed for 20 minutes after as it tired me out so muchwith the help of the bath board and grab rails I am able to do this more easily.I also told XX how I was struggling with my mobility, XX sent the referral through for physio and I have seen the lady twice now and she has given me exercises. I am so grateful for the help and support received*
- We really appreciate the lovely ladies who helped XX. They were caring, kind, very patient, had a wonderful rapport and nothing was too much trouble for them.
Absolutely first class!*

- *All staff were very willing to assist if needed. Thank you for your great staff!*
- *Very satisfied no complaints only praise had a good laugh with all the carers*

4.0 LEARNING AND SERVICE IMPROVEMENT

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

For the 2023/24 reporting year we have had the benefit of 3 Customer Experience Leads for the last 6 months. They were recruited in September 2023 and the Lead for the Health and Wellbeing directorate has worked with Adult Social Care to achieve the following:

- Support with identifying and delivering service improvements
- Developed a network of Customer Ambassadors to promote and embed good customer experience within services. Adult Social Care is well represented with four Ambassadors from different areas of the service
- Launch and lead on the coordination of a Councillor Portal. Whilst this does not directly relate to a reduction in complaints, it is another channel for keeping residents informed via their elected representatives
- Alongside the Performance and Assurance Delivery Officer, coordinated and delivered the Customer Experience survey launched to obtain feedback and drive continuous improvement
- Contributed to the Quarterly ASC Customer Experience Group
- Coordinated Adult Social Care engagement with the Community Inspirers, embedding co-production and feedback from residents with lived experience

5.1 FUTURE PLANS FOR COMPLAINT HANDLING

- We will review our website and signposting to our complaints process to ensure that customers know where to raise complaints, and where to raise routine business/service requests to reduce the number of non-complaint contact via the complaints route
- We will work with the service to improve our remedy offers at an early stage.
- Plans for Customer Experience Lead to arrange “drop-in complaints sessions” open to all Health and Wellbeing services. This will provide services with the opportunity to discuss possible barriers affecting compliance and also seek advice on remedy payments
- We will promote the ASC Customer survey to capture feedback and drive continuous improvement. This will also serve to reduce the number of non-complaint contact via the complaints route

APPENDIX A

STATUTORY COMPLAINTS PROCEDURE

The Adult Social Care Complaints Procedure

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

Role of the Customer Relations Team

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

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

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

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

What is a Complaint?

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

Who Can Make a Complaint?

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

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

Adult Social Care and Health Complaints Procedure

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

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

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

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

Initial Expressions of Dissatisfaction

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

Formal Resolution

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

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

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

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

Safeguarding

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

APPENDIX B

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

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

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

Exemptions from the Complaints Procedure

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

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

- Court Proceedings
- Tribunals
- Disciplinary Proceedings
- Criminal Proceedings

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