

Adult Social Care Annual Complaints and Representations

Performance Report: 2020/2021



Essex County Council

Adult Social Care Annual Complaints and Representations

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1. Summary Headlines

Complaints in 2020/2021

In 2020/2021 a total of 377 cases were considered through the Adult Statutory Complaints process compared to 467 for 2019/2020 with the following outcomes:

- 136 Upheld
 - 37 Assessments, 29 Quality of Care, 21 Staff Conduct, 7 Safeguarding, 42 Finance
- 157 Not Upheld
- 19 Partially Upheld
 - 4 Quality of Care, 1 Staff Conduct, 6 Assessments, 6 Finance, 2 Safeguarding
- 9 Withdrawn
- 12 Not Relevant
- 7 Non ECC

37 cases still active with outcome currently unknown

Summary of complaint outcomes for 2020/2021 showing comparisons for 2019/2020:

Case Outcome	Total 19/20	% of Total 19/20	Total 20/21	% of Total 20/21
Not relevant	54	11.56%	12	3.18%
Non ECC	2	0.42%	7	1.85%
Not Upheld	148	31.69%	157	41.64%
Partially upheld	76	16.27%	19	5.03%
Upheld	177	37.90%	136	36.07%
Withdrawn	10	2.14%	9	2.38%
Outcome currently unknown	0	-	37	9.81%
Grand Total	467	100%	377	100%

The recorded outcome of 'not relevant' refers to those cases where it has not been possible to consider under the complaints process for the following reasons:

- Active court proceedings
- No informed consent

Summary of a selection of Adult Statutory Complaint Upheld Cases 2020/2021:

Team:	Issue:	Outcome Decision:
North Quadrant	Representative unhappy that his aunt was not awarded CHC funding - complaint raises points with Adult Social Care and NHS regarding why aunt was not referred regarding funding.	Aunt was discharged within the COVID-19 period, she was eligible for her care to be fully funded, pending assessment and therefore the period from her discharge will be funded via Essex County Council, as they originally sourced and funded the placement.
Mid Quadrant	Daughter unhappy with lack of communication from service regarding visits to adult and images taken of injuries without prior consent given	Service apologised for any distress caused and oversight in communication about visit. reassured her all precautions were taken and details of agency provided to obtain copies of images.
South Quadrant	Representative unhappy with conduct of SW on visit to adult and lack of communication between social services and the GP	Service apologised for behaviour of SW and lack of communication. New SW allocated. Service explained SW would have followed relevant COVID guidance ahead of visit to adult previously.
West Quadrant	Complaint regarding SW visiting and promising to contact again with information and failing to do so	Contact made for a reassessment and apology given for conduct of workers which will be addressed with them by their team manager.
North Quadrant	Representative) unhappy with lack of communication from ASC as not been able to reach SW to discuss adult's finances	Service apologised for lack of communication which was due to a change in SW
West Quadrant	Representative states they are unhappy with the level of support they have received in finding son residential care	Apologies given for the delays in arranging an assessment and social worker allocated
South Quadrant	Representative states father is in urgent need of a review, health is in decline and incorrect care package is leading to possible safeguards	Explanation provided that service has been impacted by the pandemic although are trying to make improvements despite the problems this has caused Steps taken to have additional carer and OT equipment in place to help service user

Team:	Issue:	Outcome Decision:
Mid Quadrant	Representative states been calling weekly to get an urgent review as both mental and physical health have deteriorated, family is in crisis, has 10-year-old daughter, relatives elderly and cannot support them how they used to.	Apologies given for the significant delays in allocating a worker and the fact that they only tried to contact her once and did not keep trying
South Quadrant	Representative states funding was turned down at forum for ECC contract at care home and feels this decision needs to be reconsidered.	Agreement to make payment as a result of the confusion and delays
North Quadrant	Representative unhappy to receive invoices as feels late father should not have been charged for care	It was acknowledged that the advice given about charging was not accurate following the introduction of new COVID rules and regulations for Adult Social Care. The issues raised were addressed with the worker directly to ensure clear advice is provided in the future. Outstanding amount written off.
West Quadrant	Representative states there have been significant delays with financial assessments causing stress for the family who are having to make payments for care home fees	Apologies given for delays in processing and carrying out relevant assessments. Father's case allocated to senior social worker to work and support to resolve the issues of ordinary residence and ensure that care home receives payment
Mid Quadrant	Representative unhappy with delayed financial assessment for adult and delaying release of flat which is increasing charges to home and flat landlords	Apologies given for delays experienced in confirmation of placement
South Quadrant	Representative states mother was charged for care when she should not have been, service user was only in care for palliative care and had not had care prior to this.	Due to mother's diagnosis it would have been appropriate at the time for fast track funding to be explored, regrettably this did not happen. As a result of this the service agreed to write off the outstanding debt
North Quadrant	Representative states they complained to care home but did not get a full response and some of their concerns have not been addressed, worried about the care that has been provided, instances of neglect and bad practice that should have been acted on at an earlier stage.	Agreed that family were not communicated with as well as they should have been therefore action plans put in place to improve this going forwards. Measures also put in place to improve complaints handling with care provider.

What we did well:

- During COVID lockdown proactively adapted usual working practices to minimise the number of cases progressed to allow frontline teams to focus on delivery of key services
- Worked with Adults Performance Team to develop the interactive performance dashboard to self-serve monthly complaints data
- Shared detailed information on the outcome of the Local Government and Social Care Ombudsman annual review to raise awareness of the Ombudsman's role, powers, and the Ombudsman's expectations of us
- Undertaken continuous improvement initiatives to reduce avoidable general enquiries by providing relevant information online at point of enquiry
- Tracking complaints effectively through to completion
- Meeting achievable and realistic agreed response timeframes
- Acting swiftly on any identified failings by offering suitable solutions
- Implementing any necessary improvements to prevent recurrence
- Proactive in aiming to resolve matters at first point of contact

What do we need to improve?

- Additional effective complaint handling training programmes to be devised and delivered to key people involved in complaint handling across Adult Social Care
- Findings from root cause analysis sessions to be shared on a regular basis with operational services highlighting failings and recommended actions for improvements
- Additional monitoring of trends to identify specific repetitive problems and share findings on a regular basis with operational services
- Compliance and Complaints to further highlight to operational services their service offer to ensure they are fully aware of the support they can receive when handling complaints

Purpose of the Report:

The purpose of the Annual Report is to review the operation of the complaints process over a twelve month period, including statistical data, and to provide the local authority with the means by which it keeps itself informed about complaint themes and how effective its current arrangements are for handling customer complaints. It offers an analysis of what the information obtained from the operation of the complaints process means for the council.

This report has been produced by Essex County Council's (ECC) Compliance and Complaints Team in order to meet this statutory requirement, to be published on the Council's website alongside ECC's policy and procedural guidance referring to complaints, representation, compliments and comments for Adult Social Care: <https://www.essex.gov.uk/customer-services/Pages/Complaints,-compliments-and-comments.aspx>

Period covered and data

This report focuses on Adult Social Care complaints, compliments, enquiries, and comments received for the period 1 April 2020 to the 31 March 2021. The report makes extensive use throughout of data available from the Case and Complaint Management System which is used by the Customer Service Compliance and Complaints Team to record and manage all statutory social care complaints and feedback received by the Team, as well as insight and learning from operational services. The statistical information presented within this report can be verified by reference to this database and is based on the date received. All percentages and costs are rounded to the nearest whole number.

Terms:

The term 'representations' is applied to:

Comments: neutral observations and suggestions;

Compliments: positive comments, praise and thanks; and

Complaints: expressions of dissatisfaction, seeking a remedy.

Complaints process:

ECC Adult Social Care is subject to two representations procedures;

1. ECC Corporate Complaints

This is the voluntary ECC complaints procedure, which is referred to as the ECC corporate procedure. The whole directorate, and indeed the whole authority, is subject to this procedure, which provides for any customer or service user making a representation about any aspect of the operation of the directorate.

2. Statutory Social Care Complaints

Adult Social Care also operates a statutory procedure that relates to a specific range of its activity related to Social Care services and this Statutory process is set by Central Government. This procedure provides for representations made by or on behalf of any adult who may be entitled to receive a service and by any other person who is deemed to have sufficient interest in the welfare of the adult to warrant inclusion in this procedure.

The Care Act 2014 ('the Act'), supporting regulations and the Care and Support Statutory Guidance ('the statutory guidance') were introduced in April 2015. This is the law on which adult social care in England is based and your local authority must adhere to it when it works with you.

The health and social care complaints systems are based on the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 ('the complaints regulations'), made under powers in sections 113 to 115 of the Health and Social Care (Community Health and Standards) Act 2003.

Complaints and Representations procedures are provided in several formats aimed to facilitate easy access to the complaints process.

Complaints and Representations may also be raised by contacting a County Councilor or a Member of Parliament; these enquiries are managed through the Member Enquiries service.

(Full details of the complaints process can be found in Appendix1)

2. Introduction

This report provides information on complaints for Adult Social Care Services for the period 1 April 2020 to 31 March 2021, dealt with through either the statutory social care complaints procedure or the corporate complaints process. The complaints process provides us with the opportunity to monitor performance, improve service quality and learn from complaints made by our service users. We achieve this by capturing a range of complaint information including, the nature of the complaint, the action we took, the outcome of the complaint and whether we responded to the complaint on time. By publishing an annual complaint report, we hope to demonstrate our commitment to transparency and a positive approach to dealing with and learning from complaints.

Background:

Under statutory regulations, we are required to prepare an annual report about the previous year that examines how well we dealt with Adult Social Care complaints, including the numbers received and how many were upheld. Our Adult Social Care service is required to operate a statutory complaints procedure in accordance with the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 and the Local Authority Social Services Complaints (Amendment) Regulations 2009. Any complaint, which does not fall under these provisions, we will consider under our corporate complaints procedure.

3. Executive summary

This report focuses on Adult Social Care complaints and compliments received for the period 1 April 2020 to the 31 March 2021. The report makes extensive use throughout of data, feedback received, as well as insight and learning from operational services.

During the period 1 April 2020 to 31 March 2021 377 Adult Social Care complaints were received and considered under the statutory complaints process, which is slightly slower than 467 for previous period 2019/2020. This decrease is likely to be because of the COVID pandemic where for a period between April 2020 and June 2020 to alleviate the extreme pressures on operational services, only urgent or safeguarding matters were able to be fully considered.

There are no statutory timeframes for Adult Statutory Complaints with realistic and achievable response times negotiated with operational services with the complainant updated accordingly. However, wherever possible we work towards responding within 20 working days. During this period 145 cases (38%) were concluded within 20 working days, 137 (36%) within 40 working days and due to the complexity and/or multi-agency involvement 95 cases (25%) were resolved in excess of 40 working days. The longest cases to resolve fell into the following categories:

- Safeguarding 3 cases = 0.79%
- Quality of Care 22 cases = 5.8%
- Staff Conduct 10 cases = 2.65%
- Assessments 26 cases = 6.8%
- Finance 34 cases = 9%

The longest working day to resolve was 165 days in connection with a care fee dispute, although the customer was updated throughout the process. This was not reflective of a typical customer journey as this was an extremely complex case involving Essex Legal Services as the complainant had sought legal representation to act on her behalf.

During 2020/2021 a total of 82 compliments were received by the Compliance and Complaints team in relation to Adult Social Care. Additional compliments may have been received direct to individual workers and work continues in this area to ensure

all positive feedback received is captured and recorded centrally. Many of these compliments reflect the themes of some of the complaints.

4. Analysis of contacts received

During the period 1 April 2020 to 31 March 2021 377 complaints were received and considered under the Adult Statutory complaints process, which is slightly lower than 467 for previous period 2019/2020. The following data is a summary of cases received and resolved with comparison for previous periods:

Month	2018/2019	2019/2020	2020/2021
April	31	42	9
May	26	30	12
June	24	30	31
July	36	40	22
August	36	36	32
September	26	40	41
October	24	40	42
November	27	50	39
December	32	32	28
January	30	44	24
February	43	45	37
March	44	38	60
TOTAL	379	467	377

As a result of the COVID pandemic representations received during the early part of 2020 were managed differently, whereby only urgent, or safeguarding issues were able to be fully considered. This is reflective with the statutory complaint volumes recorded for April and May being significantly lower than previous years. March 2021 shows an increase on earlier periods with this rise likely to be a re submission of complaints unable to be reviewed at the start of the pandemic.

The following is a breakdown of complaint type received during 2020/2021:

Assessments – 115 cases = 30.5%

Finance – 110 cases = 29.1%

Quality of Care – 88 cases = 23.3%

Safeguarding – 18 cases = 4.7%

Staff Conduct – 46 cases = 12.2%

Method of contact:

The following methods of contact were used during this period:

Method	2019/20	2020/21	% variance from 19/20
Email	211	226	7% increase
Letter	67	24	64% decrease
Online Form	136	101	25% decrease
Telephone	52	26	50% decrease
In person	1	0	100% decrease
TOTAL:	467	377	19% decrease

The preferred method of contact continues to be via email with a slight increase in this form of contact compared to 2019/20. There has been a slight decrease in the use of the online form and a significant drop in complaints made by telephone and by postal letter format, which may be reflective of the exceptional circumstances due to COVID.

Complaints by location:

Adult Social Care services are configured into four quadrants providing local service delivery as follows:

North Quadrant – Colchester and Tendring

Mid Quadrant – Chelmsford, Braintree, Maldon

South Quadrant – Brentwood, Basildon, Castle Point, Rochford

West Quadrant – Uttlesford, Harlow, Epping Forest

Countywide team will assess all initial Adult Social Care referrals across all districts, offers an out of hours emergency service and focuses on safeguarding vulnerable individuals.

The above four quadrants and countywide services provide support to those in need, such as individuals with mental health problems, learning or physical disabilities, as well as vulnerable adults. Adult Social Care offers a broad range of services providing a safety net to those most at risk within the community by providing information and advice, assessing care needs, arranging short-term support or reablement, safeguarding vulnerable individuals and commissioning a large range of care services.

The volume of complaints recorded across all quadrants dropped slightly during 202/2021, which again is due to the way representations were managed at that time due to the pandemic. Countywide teams experienced a slight increase with the main contact being in connection with initial assessment requests.

Period	2018/19	2019/20	2020/20
North	85	126	83
Mid	134	121	105
South	97	132	116
West	53	74	55
Countywide	10	14	18
Total:	379	467	377

For analysis purposes once received the complaints are categorised. The categories and number of complaints received against each are as follows:

Themes by Quadrant:

North

		2018/19	2019/20	2020/21
Nature	Specialism	Total	Total	Total
Escalated Complaint	Finance	2	0	0
	Safeguarding	1	0	0
Service Failure	Assessments	9	37	27
	Safeguarding	4	5	0
	Finance	29	25	26
	Quality of Care	19	24	12
	Staff Conduct	11	22	10
Service Request	Quality of Care	1	0	1
	Assessments	1	6	5
	Finance	1	4	2
	Safeguarding	1	0	0
Information Enquiry	Finance	3	1	1
	Assessments	3	2	0
Total:		85	126	83

Mid

		2018/19	2019/20	2020/21
Nature	Specialism	Total	Total	Total
Service Failure	Assessments	25	28	16
	Quality of Care	27	26	23
	Finance	53	41	32
	Staff Conduct	10	17	14
	Safeguarding	5	2	7

Service Requests	Assessments	4	3	2
	Finance	6	4	1
	Quality of Care	3	0	3
	Safeguarding	1	0	0
Information Enquiry	Assessments	0	0	4
	Finance	0	0	2
	Quality of Care	0	0	1
Total:		134	121	105

South

		2018/19	2019/20	2020/21
Nature	Specialism	Total	Total	Total
Service Failure	Assessments	12	25	32
	Quality of Care	21	22	20
	Finance	37	35	28
	Staff Conduct	13	23	10
	Safeguarding	5	7	6
Service Request	Assessments	6	8	8
	Finance	1	3	5
	Safeguarding	1	2	0
	Quality of Care	0	0	3
	Staff Conduct	0	0	2
Information Enquiry	Assessments	1	4	1
	Finance	0	3	1
Total:		97	132	116

West

		2018/19	2019/20	2020/21
Nature	Specialism	Total	Total	Total
Service Failure	Assessments	7	13	13
	Quality of Care	14	13	19
	Staff Conduct	7	12	7

	Finance	19	22	11
	Safeguarding	2	2	2
Service Request	Assessments	1	5	1
	Finance	3	4	0
	Quality of Care	0	0	1
Information Enquiry	Assessments	0	2	1
	Finance	0	1	0
Total:		53	74	55

Countywide

		2018/19	2019/20	2020/21
Nature	Specialism	Total	Total	Total
Service Failure	Staff Conduct	2	2	3
	Safeguarding	0	0	3
	Quality of Care	1	8	5
	Assessments	2	2	5
	Finance	5	2	1
Service Request	Finance	0	0	1
Total:		10	14	18

Of the 377 received cases during 2020/2021 a total of 332 were recorded as a service failure as perceived by the complainant and/or dissatisfaction with the service provided by the authority.

The following are typical themes of issues raised:

- Care charge disputes
- Lack of communication from social worker
- Delays in carrying out assessments
- Failings of care provider
- Financial assessment delays
- Dispute over care charges when believed to have been Reablement
- Dissatisfaction with domiciliary care provider
- Disputes over what should be considered as a Disability Related Expense

- Disputes over care home costs
- Insufficient care package
- Issues regarding Direct Payments

The social worker and care provider are likely to have the most contact with service users and their families and therefore, it is not surprising that a high percentage of issues raised are in respect of such matters. However, it is also not uncommon to establish upon review that the concerns raised are the perception of family members and not necessarily that of the service user.

Demographics:

Demographics are defined as statistical data about the characteristics of a population, such as the age, gender, and ethnicity of the people within the population.

The choice to provide demographic information resides with the customer as the capture of this data is not a mandatory requirement to anyone wishing to make a complaint. Whilst demographic data is requested there appears to be a general reluctance to provide such details with many complainants stating that they do not feel this has any relevance to their complaint. In fact, some people have expressed concern/anxiety that they may be discriminated against due to their age, ethnic origin, religion, or sexual orientation when submitting a complaint.

The Compliance and Complaints Team recognises the importance of collecting this data and continues to make every effort to capture this information for the purpose of analysis and service improvement.

100% of complainants provided some demographic details even if this was limited to gender only. Majority of contact received is from relatives on behalf of the service user with 24% received direct from the service user.

Contact by district (relates to where contact/representation is from and not necessarily where the service is being provided from):

District	Percentage 2019/20	Percentage 1920/21	Variance
Basildon	12%	15%	25% increase
Braintree	7%	8%	14% increase
Brentwood	5%	5%	No change
Castle Point	5%	5%	No change
Chelmsford	18%	18%	No change
Colchester	15%	10%	33% decrease
Epping Forest	5%	5%	No change
Harlow	6%	6%	No change
Maldon	2%	2%	No change
Rochford	3%	4%	14% increase
Tendring	11%	11%	No change
Uttlesford	4%	8%	100% increase
Not Applicable/Countywide	7%	3%	57% decrease
Total	100%	100%	

Corporate Complaints:

Non statutory complaints relating to Adult Social Care managed through the corporate complaints procedure. Issues raised that do not meet the criteria to be considered under the Adult Statutory complaints process are handled through the Corporate Complaints process for the following reasons:

- No consent to share
- Social Services not provided by Council
- Complaints of a general nature i.e. not case/service user specific
- Anonymous complaints
- Issues raised form part of active Court Proceedings

During the period 2020/2021 a total of 60 cases were considered through this procedure which is the same volume also considered through this process in 2019/2020. The outcomes from 2020/2021 are as follows:

- Not Upheld: 31
- Partially Upheld: 4
- Upheld: 21
- Not relevant/Non ECC 4

The upheld cases related to the following issues:

- Wife was sent sensory letter for husband 30 years after he had died
- Wife of service user unhappy with the way she was spoken to by call handler
- Relative unhappy with the way social worker spoke to her
- Customer dissatisfied with attitude of staff when calling regarding her neighbour
- Friend of service user raising concerns regarding social worker
- Relatives upset at not being kept up to date on care of service user

Member Enquiries:

Adult Social Care complaints/enquiries which are sent direct to a County Councillor, MP or the Authority's CEO are handled under the Member Enquiries Process.

Upon receipt of such enquiries the Member Enquiries team liaise with Compliance and Complaints to determine whether the issues raised meet the criteria to be considered under the Adult Statutory Complaints process. In such circumstances, whilst the complainant has written to and is expecting a response from the CEO/Councillor/MP it is important that they are made aware of and given the opportunity for their concerns to be considered through the Statutory process.

During the period 2020/2021 a total of 325 cases were received and recorded as a Member Enquiry compared to 437 cases in 2019/2020. The following is a breakdown of the types of enquiries received and responded to as a Member Enquiry during 2020/2021 with a comparison for previous periods:

Member Enquiries	2018/2019:	2019/2020	2020/2021
Assessments	188	196	107
Finance	95	108	89
Quality of Care	64	73	90

Safeguarding	29	27	35
Staff Conduct	34	33	4
Grand Total	410	437	325

Local Government and Social Care Ombudsman Investigations:

During 2020/2021 we received 25 informal enquiries from the Local Government and Social Care Ombudsman in relation to Adult Social Care with a total of 6 escalating to formal investigation. On 26 March 2020 the Ombudsman suspended all casework activity due to COVID and resumed all their existing casework and receipt of new complaints on 29 June 2020.

A summary of outcomes received with comparisons for previous periods are as follows:

LGO Investigation Outcome	2018/19	2019/20	2020/21
Not Upheld - No Maladministration or Injustice	4	8	1
Upheld, where either maladministration and/or injustice was found	7	7	3

Awaiting Final Decision outcomes on 2 cases received 2020/2021

Agreed Known Outcomes/Remedies on Upheld Cases 2020/2021:

- Apologies for delays and distress caused, financial remedy payment totalling £200 and reminder to adult social care staff of the importance to provide sufficient clear and comprehensive information about charging and the financial assessment, including a reasonable estimate of likely costs if a financial assessment has not taken place yet, and sufficiently record conversations
- Joint apology letter from Council and Health for distress caused, in recognition of distress both Council and Health to each pay £100 financial remedy, both should also review all relevant discharge planning policies and procedures to

ensure they reflect the key practises and principles set out in the Ready to Go? Guidance and then write to the Ombudsman to explain the outcome of the reviews and any work they will be undertaking to improve practices and procedures in this area. They should also explain how they will ensure relevant staff are familiar with these practices and procedures

- Apology and £500 financial remedy in recognition of identified failings, a further £150 time and trouble payment, review its processes about the transition of customers from Children and Families to Adult Social Care and allocating social workers without delay, also review and improve its communications policy to ensure timely and reliable responses to its customers

Essex County Council continues to work closely with the Ombudsman's office, learning from any failings, appropriately challenging decisions, offering viable solutions that the Ombudsman would consider to be suitable remedies to discontinue investigations and being compliant with deadlines set by the Ombudsman

(Brief summaries of the Ombudsman Decisions received during 2020/2021 detailed in Appendix 2)

5. Compliments Analysis

During 2020/2021 a total of 82 compliments/positive comments were recorded by the Complaints team in relation to Adult Social Care. Typical themes from compliments received:

- Driven
- Professional
- Thoughtful
- Goes above and beyond
- Supportive
- Caring
- Understanding
- Sympathetic
- Compassionate

Recording compliments received highlights the good work being carried out across all teams within Adult Social Care and gives the service the opportunity to see what good looks like. Positive feedback is reviewed alongside complaints to achieve a balanced understanding of service performance.

Compliments received highlight the hard work being undertaken and show staff that they are valued and appreciated by those people they are supporting.

A summary of some of the positive feedback received from service users and their families expressing their thanks and appreciation to members of staff within Adult Social Care is set out below:

Selection of Positive Feedback:

“I just wanted to add my heartfelt thanks to you for taking on X case and really making a difference, not only to X but to my parents. The weight has been taken from my 82-year-old parents, not only mentally but physically. They have their own health problems that the situation exacerbated, and I can now feel easier knowing that some of the responsibility that they were having to deal with has gone”

“I have recently become acquainted with X as she has become the social worker for very elderly and needy neighbours of mine. I would like to commend her for the wonderful response and difference she has already made to the lives of this couple and therefore incidentally to mine. She is driven, professional but also kind and thoughtful. She has gone beyond what I am sure is the strict remit of her job brief on a number of occasions. I cannot thank her enough or praise her enough for what she is doing”

“I would like to thank you personally for all you did to help X and myself - and especially on finding us Homecare – I cannot praise the carers enough. Each and every one of them have been brilliant with the care they gave X (and me when needed!) – I cannot fault them”

“My family and I would like to say a big thank you for all your extremely hard work going over and beyond to help our father to be placed in a nursing home. You have been so kind, supportive, and caring especially to me during this very difficult time. We are truly grateful to have had you working on X’s case, Many, many thanks”

“My Mum was transferred to a care home at the beginning of the lockdown. I rang adult social care as I had no idea what to do and was allocated social Worker X. I cannot thank X enough, he always phoned when he said he would, he answered all my questions and concerns. I found Mum a place at a new care home and he arranged all that for me too including the transport. Thank you”

“X was absolutely wonderful. She understood not just my husband’s position but my position as well. She was the only one who listened to me and went out of her way to help us. I am telling everyone how wonderful she is”

“May I take this opportunity to thank you for your help & advice which have been invaluable during a very difficult & emotional period”

“I wanted to say a huge thank you and your team for all your efforts and at the final moment over the weekend finding X a suitable placement. It has taken a lot of hard work I am sure. He was with us a long time and we were extremely worried about him. But you did it so thank you”

"I would like to bring to your attention the outstanding work and commitment of X. She worked tirelessly to source the adult care my mother, X, who is 102 years old, needed after her discharge from Hospital recently. X was able to facilitate a move from X Care Home, to X Care Home where mum's needs could not be better catered. During this very stressful time for myself and my family X kept us up to date with the progress she was making. At all times X was extremely kind and reassuring. Please record and pass on the thanks of myself and my family to X for the excellent way she dealt with what clearly was a very complicated and emotional matter"

"I would like to take this opportunity to thank you so much for the excellent way you have dealt with my Dad's case. From arranging the first care package for Dad and then when this proved to be unsatisfactory for the way you assisted us in putting the direct payment in place. You have always returned my calls when I have left messages sometimes into the early evening. Your compassion in understanding how difficult it was for me with Dad not liking the first care package was second to none. So once again thank you from the bottom of my heart"

"I want to say how grateful we are for all the help you have given X, supporting him and finding him a marvellous place to live where he is so well protected and looked after. You have been so professional and showed both X and us such kindness. If it hadn't been for you, goodness knows what would have happened to him. We are eternally grateful to you"

"I have been dealing with X for some time while we are waiting to move I have bipolar and sometimes I am difficult to deal with he has been calm and assuring listening to me rant get upset be sad be inpatient. I cannot always help these things because of my mental health. He has been so professional and kind. I feel like he is doing everything he can to move us within his power I just want to say thanks for putting up with me and for listening to me"

"I rang Social services to try and arrange Care visits for my elderly mother in law who had recently been discharged from hospital and was far less well than we thought. My contact was X who was amazing! Kind, calm and reassuring over the phone with me (think I may have been crying at one point) Our call ended while X went to make arrangements. I honestly did not expect to be called back until Monday, however X rang me back to inform that she had been able to organise Care, four times a day, starting on Monday - that was just incredible, way beyond my expectations!!"

"I wanted to thank you and your team for all your hard work and perseverance in finding X a safe place to start the next chapter of his life. He's gone from living in a desperate, dangerous situation to now being well fed, warm and with people around him to keep him happy and safe. I can't imagine how hard you and your team had to work following rejection after rejection by the other homes. I'm so grateful that you kept going and found him somewhere local as it means that I can (hopefully) be part of his everyday life in the future. Please pass on my heartfelt thanks from me, my family and most of all from my Dad"

6. Next Steps

The mission of Compliance and Complaints is to work in collaboration with operational services to deliver a seamless experience for those customers that need us. Listening and acting on what they tell us and use learning to help improve and evolve service delivery. Our objective is to recognize where we have failed, seek suitable resolutions within agreed timescales and ensure our obligations are fully met in line with the formal complaints process and Local Government and Social Care Ombudsman expectations.

Complaints received should always be viewed as an opportunity to learn from any failings and make necessary improvements and should never be considered a nuisance or an interruption to the delivery of services. We must embrace complaints to improve services and respond to these openly and honestly.

Complaints do not only highlight failings as upon review these also show very good examples of good practice and therefore, we should also not lose sight of what we do well.

The following points highlight areas for improvement going forward:

- Effective complaint handling training to be devised specifically aimed at everyone involved in complaint management
- Repetitive trends to be monitored and regularly shared with operational services to prevent recurrence
- Findings from regular root cause analysis sessions to be shared with operational services highlighting recommended action for improvement
- Quarterly reports will be shared with Directors and Service Managers showing outcomes on upheld cases and response timeframes achieved
- Fortnightly data reports will be shared with Leadership Assistants across all quadrant areas highlighting active and outstanding complaint cases

- To ensure effective utilisation, further awareness will be raised of the Adult Social Care dashboard previously developed by Adult Social Care Business Insight team and the Compliance and Complaints team
- Continue to ensure concerns raised are responded to within a reasonable timeframe avoiding complaints remaining open more than 40 working days from date received
- Continue to minimise disputes by providing clear guidance and explanations which are simple to understand avoiding any misunderstanding/confusion
- Proactively work to reduce delays and provide regular updates to the service user/representative in respect of any necessary changes to timescales/process
- Continue to be responsive, listen to concerns and act on any failings
- Avoid any lack of communication complaints by continuing to engage with the service user/representative throughout any process
- Compliance and Complaints to continue to work in collaboration with operational services identifying any working practice improvements benefitting both service areas
- Compliance and Complaints to continue to ensure the sustainability of all aspects of the performance of complaint handling
- Compliance and Complaints to identify opportunities that reduce avoidable demand, time and effort and improve the customer experience
- Compliance and Complaints to identify opportunities to automate business processes to enable focus to be on delivering excellence to those customers that need our help.

Appendix 1

The Complaints Procedure

The way we deal with representations and complaints relating to Adults Social Care is set down by Central Government. As a result, the process and timescales for dealing with them may vary dependent upon the type of complaint or representation being made.

Who can use this process?

- a person who receives or has received services from Essex County Council; or
- a person who is affected by, or likely to be affected by, the action, omission, or decision of Essex County Council.
- by a person acting on behalf of a person mentioned above who:
 - has died
 - is a child
 - is unable to make the complaint themselves because of physical incapacity or lack of capacity within the meaning of the Mental Capacity Act 2005

If the complainant has a private arrangement with a social care organisation or provider, they will need to raise their complaint with them.

Our complaints policy cannot change decisions made by a court of law. We may not be able to help if the event you are complaining about occurred longer than 12 months ago.

Step 1 – Local resolution

Most problems are resolved by speaking to the person you are dealing with or their manager. If you are not able to resolve it this way, please tell us the details of your complaint. We will investigate the complaint quickly and thoroughly and give you a detailed response, this will:

- summarise the nature and substance of the complaint
- describe our investigation process and summarise its conclusions and findings; and,
- include any apology, remedy, outcome or explanation or planned action

If the complaint is about both health and social care, we will work with our health colleagues and the complainant to try to reach a resolution. To do this we will need the complainant's permission to share the details of their complaint.

Everyone who funds their own care, including those using a direct payment, have the right to refer any complaint to the Local Government and Social Care Ombudsman, once the residential home or domiciliary care agency has had an opportunity to investigate and resolve the complaint. Although any complaint can be referred to the Ombudsman at any time for their consideration

Local Government and Social Care Ombudsman

If the complainant is dissatisfied with the outcome of the recommendations of the Council's complaints process, it remains open to them to make a formal written complaint to the Ombudsman: <http://www.lgo.org.uk/>

The Local Government and Social Care Ombudsman (LGO) is independent, impartial and gives a service which is confidential and free of charge. The Ombudsman has the same powers as the High Court to require people to provide information or produce documents for investigation.

Any member of the public can complain to the Ombudsman if they feel there has been maladministration or injustice. However, the Ombudsman usually suggests that the complainant should first exhaust the local complaints procedure, as detailed above.

Remedies

In the majority of cases if a complaint is upheld or partially upheld, an apology will be offered and information will be given to the complainant as to what action the service will take to ensure the same situation does not arise again, for the complainant or future service users.

The apology should be given by the manager on behalf of the service complained about, although this can also be sent from a senior officer within the Compliance and Complaints Team

If a case has been poorly handled causing an injustice to the individual, consideration will be given as to whether a financial remedy would be appropriate.

Appendix 2

Local Government and Social Care Ombudsman case summary of Decisions received during 2020/2021:

Closed after initial enquiries – May 2020 – Assessment and Care Plan
The Ombudsman will not investigate Mr B's complaint about the actions of the Council when it reviewed his care needs. This is because the Council has apologised for the distress Mr B felt and agreed to allocate another worker to complete a further review of his care needs. The Ombudsman is satisfied this remedies any injustice caused to Mr B.
Upheld – May 2020 – Residential Care
Ms X complains about the care her late mother received at a care home, leaving her mother with injuries. She also complains about how the Council carried out a safeguarding enquiry following this incident. The Ombudsman finds fault with the care Mrs Y received at the Care Home and the way the Council carried out its safeguarding enquiry. The Ombudsman has made recommendations to remedy the injustice caused which the Council has agreed to.
Upheld – May 2020 – Assessment and Care Plan
The Council did not respond properly to Mr Y's complaint about the care plan of his son, Mr X. It has not reinstated Mr X's disability-related expenses to the relevant date. It now apologises for its shortcomings and agrees to reinstate expenses as appropriate.
Upheld – June 2019 - Safeguarding
The Council decided one to one observations were necessary to safeguard Mrs X from the risk of further self-harm. Mrs X complains the Council has refused to pay for the observations because she self-funds her care. The Ombudsman finds fault with the Council and the Council has agreed to pay back Mrs X.
Upheld – May 2020 – Assessment and Care Plan
Summary: Ms X complains the Council did not explain Mr Y would have to pay towards his care and did not calculate his charge properly. Mr Y

cancelled his care when he found out as he could not afford to pay for it. The Ombudsman finds the Council was at fault because it did not provide adequate information or respond effectively to Mr Y's concerns. It caused Mr Y significant, undue distress. It will apologise, pay Mr Y £200, and provide a written explanation of the financial assessments and Mr Y's options. It will also tell Mr Y where he can get suitable financial advice, discuss his disability related expenditure and backdate any allowance where appropriate.

Not Upheld – June 2020 – Assessment and Care Plan

Mr D complains about how the Council responded to concerns he raised about his daughter's welfare. However, the Ombudsman has not seen any evidence of fault in how the Council dealt with the matter.

Not Upheld – June 2020 – Assessment and Care Plan

Summary: there is no evidence of fault by the Council in the way it carried out a financial assessment and supported Mrs X..

Upheld – June 2020 – Charging

Ms X complained about the Council's assessment of her relative, Ms Y's, financial contribution to her care costs. She also said the Council had sent Ms Y a bill for historic care costs which it had previously withdrawn, and about poor complaint handling. There was no fault in how the Council calculated Ms Y's assessed contribution. There was fault in its invoicing and communication, which caused Ms Y uncertainty for 12 months about what she had to pay. The backdated invoice sent after the Council identified the fault has caused Ms Y financial hardship and distress. There was also fault in its complaint handling. The Council should write off the historic debt between April 2017 and March 2018 and review its complaint and invoicing procedures.

Upheld – June 2020 - Domiciliary Care

Mr C complained to us about the home care the Council arranged for his mother between June 2018 and September 2018, and the way in which the care provider and the Council dealt with his concerns. The Ombudsman

found fault, which the Council has agreed to apologise for. The Council will also share the lessons learned with relevant staff and ensure that all homecare providers it uses have a system in place to record the time a care worker arrives for a visit to a client and the time they leave.

Upheld – June 2020 – Charging

Mrs Y's legal deputy complained on behalf of her estate that the Council failed to include various costs that should have been Disability Related Expenditure in a financial assessment. The Council also took too long to respond to the representative and failed to adequately explain its decision. To remedy this, the Council has agreed to pay £208 for avoidable additional costs and to include the cost of lift maintenance as disability related expenditure.

Upheld – July 2020 – Assessment and Care Plan

The Ombudsmen found fault by the Council with regards to the care and support provided to a young woman with complex care needs. This fault meant the woman went without care for two years and caused both her and her mother significant distress. The Council has agreed to waive the outstanding care fees and pay an additional sum in recognition of the distress this caused for the woman and her mother.

Upheld – July 2020 – Direct Payments

Mr X complains that the Council gave inconsistent information to Mrs Y. It said she could not spend her budget as previously agreed so Mrs Y was left with increased risk and costs without the planned benefits. The Ombudsman finds the Council at fault in the way it dealt with this. It has agreed to apologise, pay at least £1,000 for dog training, and provide training to its staff.

Upheld – August 2020 – Assessment and Care Plan

Mr Y and Mr Z complain about the Council's decision to move Mrs X to another care home. There was unnecessary delay in progressing needs and financial assessments, which created uncertainty and frustration. The Council

was also at fault in how it dealt with Mr Y and Mr's complaints and requests for information. The Council has agreed to apologise to Mr Y and Mr Z, and make a payment to Mr Y for the time and trouble spent making his complaints. The Council will arrange a manageable repayment plan with Mr Y for Mrs X's contribution to her care costs. The Council will also review its disclosure procedures to avoid impeding access to information unnecessarily.

Upheld – August 2020 – Safeguarding

Mr X complains about the way the Council dealt with safeguarding concerns and his complaints about his family's care. He says this caused much stress and frustration to them all. The Ombudsman finds the Council did not deal adequately with the safeguarding concerns and Mr X's complaints. He recommended it pays Mr X £350 and takes action to ensure it deals with safeguarding and complaints adequately in future. It has agreed to do this.

Upheld – August 2020 – Residential Care

Mr C complained to us about the care his mother received in her care home. The Ombudsman found fault with the support his mother received, which had been arranged by the Council. The Council has agreed to provide an apology to Mr C and his mother and pay Mr C a financial remedy for the distress he experienced.

Upheld – August 2020 – Domiciliary Care

Mrs X complained the Care Provider commissioned by the Council, Seshha Care, did not properly care for her mother, Mrs Y and failed to address the complaint she raised about this. She said this caused her and her family distress and inconvenience. There was fault in the Care Provider's actions when it failed to lock Mrs Y's door, missed several care visits, and did not administer her medication correctly. The Council was at fault when it did not review Mrs Y's care package in line with statutory guidance. The Council has agreed to pay Mrs X £150 to recognise the distress and time and trouble she was put to by these faults.

Upheld – August 2020 – Assessment and Care Plan

Mr C complains his mother did not receive the right support, after she was discharged from hospital and completed six weeks of rehabilitation at a residential centre. Mr C says the Council should have agreed to a further period of interim residential care with physiotherapy support, before trying to move his mother back into her own home. The Ombudsman found fault with the way the Council dealt with Mr C's complaint, for which the Council has agreed to apologise and pay a financial remedy.

Upheld – September 2020 – Domiciliary Care

Some areas of the domiciliary care provided to Ms X were below an acceptable standard. The care provider failed to adhere to a care plan in offering Ms X showers, and wrongly charged her for visits cancelled. The care was commissioned by the Council, so it is responsible for the failings. The Council failed to investigate Ms X's complaints. This added to her frustration and denied her full and fair investigation into her complaint.

Upheld – October 2020 – Assessment and Care Plan

Mrs C complained about the way in which the Council carried out her daughter's care review and about the Council's decision to reduce her care support. The Ombudsman found fault with the way the Council reached its decision, the lack of explanation it provided, and the time it took to deal with their complaint. The Council has agreed to apologise for the distress this caused and pay a financial remedy. It will also carry out a reassessment of Ms D's needs.

Closed after initial enquiries – October 2020– Safeguarding

We will not investigate this complaint as it is late and there are no good reasons for us to investigate it now. Also, the Information Commissioner's Office are better placed to consider a complaint about data protection than the Ombudsman.

Not Upheld – October 2020 – Assessment and Care Plan

Mr and Mrs C complained about the way in which the Council has dealt with their request for adaptations to their property. They say the Council suddenly told them, after three years, that it would no longer pursue the option of an extension to their house. They are unhappy with the reasons provided by the Council for its decision. The Ombudsman found fault with the way in which the Council explained its decision. The Council has agreed to apologise for this.

Closed after initial enquiries – October 2020 – Other

Mr X complains about defamation of character due to allegations the Council included in a report to the Court of Protection. We cannot investigate this complaint because it is about the content of reports provided for the court, which the law prevents us from considering.

Upheld – October 2020 – Charging

Mr C complained to us about the way in which the Council dealt with his uncle's contribution to this homecare support. The Ombudsman found fault with the actions of the Council. It failed to provide enough information about charging, before the care package started, and failed to properly deal with questions Mr C raised about this, as well as his complaint. The Council has agreed to apologise and remind its staff about the importance of providing comprehensive information about charging and properly recording discussions about this.

Closed after initial enquiries – October 2020 – Residential Care

The Ombudsman will not investigate Miss Q's complaint about the care her mother received in her nursing home or the unpaid top-up fees it is asking her to pay. This is because the complaint is late.

Not Upheld – November 2020 – Assessment and Care Plan

Ms C complained about the way in which the Council carried out her son's care review and its decision to subsequently cut his support hours from four

to eight. The Ombudsman did not find fault with regards to the process through which the Council reached its decision.

Closed after initial enquiries – November 2020 – Assessment and Care Plan

Miss A complains about the actions of the Rotherham Doncaster and South Humber NHS Foundation Trust and Essex County Council in relation to her mental health. We have decided that the joint issues of s.117 of the Mental Health Act are outside our time limit and we will not investigate them.

Not Upheld – December 2020– Assessment and Care Plan

Mr C complained the Council has failed to provide him with the care and support he needs. We did not find fault with regards to the Council's actions.

Upheld – December 2020 – Charging

Mr C complained the Council required him to pay twelve weeks of top up payments in advance, so he could ensure his mother-in-law could live in the care home of her choice. He said this left a large dent in his personal finances. We found the Council was at fault for requiring the payment of a 12 weeks 'security deposit. During the course of the investigation, the Council took steps to review its policy and remedy the fault by repaying 8 weeks of the advance payment to Mr C and others similarly affected.

Upheld – December 2020 – Charging

Mr Z and Mrs Y complain about the way the Council dealt with assessment and charging for their late father's residential care. We have upheld parts of the complaint. The Council accepts our recommendations for service improvements and a symbolic payment to the complainants. We have therefore completed our investigation.

Upheld – January 2021 – Assessment and Care Plan

Mr B complained about the way in which the Council dealt with his request for adaptations and about the Council's decision to stop his Direct Payments. We found there was an unreasonable delay in carrying out Mr B's OT

assessment, following a request from Mr B's GP. This resulted in distress to Mr B for which the Council has agreed to apologise.

Upheld – January 2021 – Charging

The Council was at fault for not consistently applying some items of Disability Related Expenditure to Ms Y's care costs, meaning her care costs were higher than they should have been. The Council has provided a suitable remedy to the injustice caused to Ms Y. The Council was at fault for not properly explaining why certain items were not considered Disability Related Expenditure. The Council has agreed to remedy the injustice caused.

Upheld – March 2021 – Assessment and Care Plan

Mrs Z has complained on behalf of her son, Mr Y. Mrs Z complains the Council has failed to provide Mr Y with a social worker for a prolonged period of time. She says this delayed his wish to move closer to his family. The Council was at fault for delays in providing Mr Y a social worker which in turned delayed his ability to move closer to his family. Also, the Council was at fault for failing to respond to Mrs Z in a reliable and responsible manner. This caused both Mr Y and Mrs Z and injustice and so the Ombudsman has recommended a remedy.

This information is issued by:
Compliance and Complaints
Statutory and Regulated Customer Services

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