



Adult Social Care Annual Complaints and Representations

Performance Report 2023/2024

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Report Authors

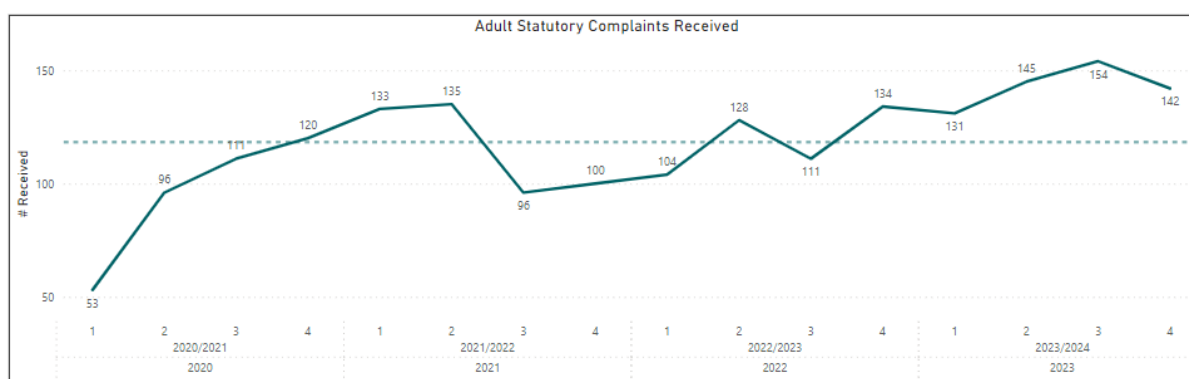
Compliance and Complaints team
Customer Services

1. Summary Headlines

Complaints in 2023/2024

In May 2023 a new triage of member enquiries relating to Adult Social Care was put into place as a trial. Those that met the criteria to be considered as Adult Social Care statutory complaints were automatically responded to as statutory complaints. This increased volumes of complaints for the year compared with previous years.

2023/2024 a total of 572 cases were considered through the Adult Statutory Complaints process compared to 477 for 2022/2023. Complaint volumes have been increasing over the past 5 years, 2023/2024 has seen a 20% increase year on year.



In 2023/2024 a total of 555 cases were resolved, compared to 483 in 2022/2023, with the following outcomes:

- 202 Upheld
 - 80 Assessments, 28 Quality of Care, 15 Staff Conduct, 14 Safeguarding, 65 Finance
- 215 Not Upheld
- 106 Partially Upheld
 - 23 Quality of Care, 11 Staff Conduct, 29 Assessments, 32 Finance, 11 Safeguarding
- 10 Withdrawn
- 22 Not Relevant or for ECC

Summary of complaint outcomes for 2023/2024 showing comparisons for 2022/2023:

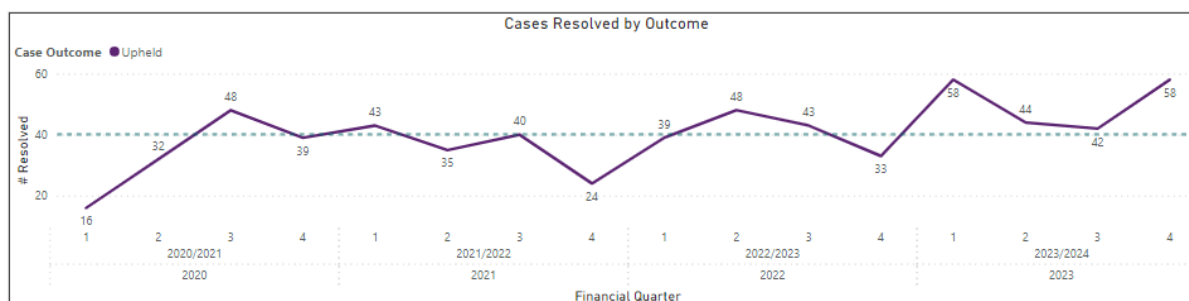
Case Outcome	Total 22/23	% of Total 22/23	Total 23/24	% of Total 23/24
Not relevant / Not ECC	27	6%	22	4%
Not Upheld	238	49%	215	39%
Partially upheld	45	9%	106	19%
Upheld	163	34%	202	36%
Withdrawn	10	2%	10	2%
Grand Total	483	100%	555	100%

The recorded outcomes of ‘not relevant’ and ‘not ECC’ refers to those cases where it has not been possible to consider under the complaints process for the following reasons:

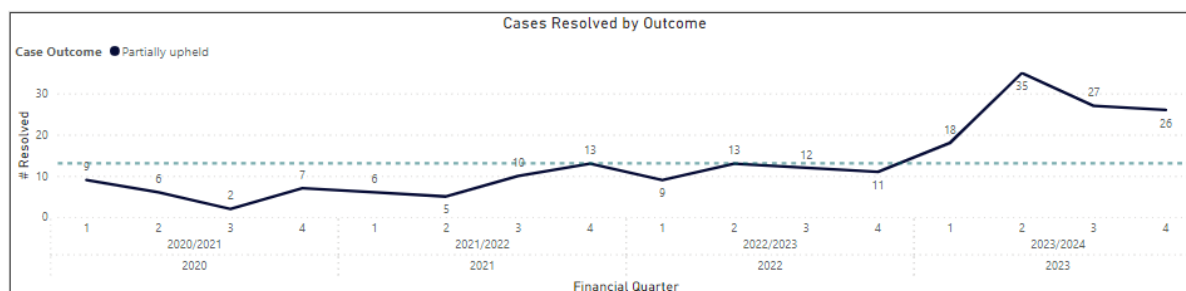
- Active court proceedings
- No informed consent
- Outside of Essex County Council remit

Cases Resolved by Outcome

This trend graph shows that the number of upheld statutory complaints is increasing. The number of statutory complaints upheld increased by 24% year on year.



This trend graph shows that number of partially upheld statutory complaints are increasing and were significantly above average levels for financial year 2023/24. The number of statutory complaints partially upheld has increased by 135% year on year.



Summary of a selection of Adult Statutory Complaint Upheld Cases 2023/2024:

Quadrant	Issue	Outcome Decision
Countywide	<p>Complaint received about payments being taken in error for care package resulting in being owed around £400 from overpayment. Incorrect address on the system was also referred to.</p> <p>Complainant suggested remedy would be to refund the amount owed and amend address on the system.</p>	<p>Invoices were amended to reflect the amounts owed. The complainant was asked to provide evidence that they are in role of executor and bank details.</p>
Countywide	<p>Complaint was made through a member and was redirected as a statutory complaint. Matters raised were that as a direct payment user, the change over of contracts appears to have resulted in funding being lost. This resulted in a loss of around £2000 of their personal budget funding.</p> <p>The complainant had suggested the resolution was to pay the amount owed for the personal budget.</p>	<p>The investigator was unable to identify a time line when the payment would be made to the complainant by the provider. Information was provided to the complainant to confirm that Essex County Council were continuing to work with the provider to ensure payments are made where appropriate.</p>
Countywide	<p>Complaint made through a member which was re-routed as a statutory complaint.</p> <p>The service user was receiving personal budgets for learning disability and autism services administered through a provider service which has caused them some confusion and further issues with their tax return.</p> <p>The complainant tried to contact the provider, social worker and finance services and was unable to get a responses.</p> <p>The suggested resolution by the complainant was for clear information about what funding to be provided and when by under the new provider.</p>	<p>Information was provided to the complainant, explaining due to the change in the direct payment service contract there had been some initial issues arising from the provide being short staffed and some gaps in information for some accounts. This had led to some issues being experienced by service users, which are now being resolved.</p>
Countywide	<p>Complaint was received through a member and was rerouted down the statutory complaints route.</p> <p>The complaint was a parent acting on behalf of their son in receipt of mental health services. Concerns included</p>	<p>The response updated the complainant that the storage costs had been approved for payment by the mental health services provider, who will continue to arrange this.</p>

	<p>that no suitable accommodation had been identified for him post hospital placement and his belongings had been put into storage as a result, incurring cost.</p> <p>The suggested remedy was for suitable long-term accommodation to be found and storage costs refunded.</p>	
Countywide	<p>Complaint received raising that they had attempted contact via email several times and not received a response.</p> <p>Requested remedy was for their client contribution costs to be reviewed considering increased costs they are experiencing relating to disability.</p>	<p>A member of the finance team spoke to customer and resolved the outstanding matters.</p> <p>A new financial assessment was completed, which resulted in a reduction of service users maximum weekly assessed charge.</p> <p>An apology was provided for the lack of response to emails and it was found that they were using outdated contact information; up to date contacts were provided.</p>
Countywide	<p>Complaint received on behalf of a grandparent. Issues raised were:</p> <p>Grandparent had experienced some falls resulting in concerns that they are no longer safe to live alone in their current accommodation. Social care had agreed to put into place two carers, however this was not effective in preventing falls.</p> <p>Suggested remedy was for a reassessment and residential placement to be provided.</p>	<p>The response explained that the service user had been admitted to hospital, following a fall and an assessment had recently been undertaken.</p> <p>Information was provided to explain that hospital discharge planning would determine suitable next steps for accommodation and care.</p>
Countywide	<p>Complainant raised that they have a long term, degenerative disease causing pain and difficulties with day to day tasks. They had spoken to a social worker by phone two months ago, who had agreed to pass their case on to the Occupational Therapy team for an assessment. They had not heard anything since.</p>	<p>The response was to apologise for the delays and it was agreed to progress the OT assessment request.</p>
Countywide	<p>Complaint raised on behalf of parent. The issues raised were:</p> <p>Social Care had agreed to arrange for a new mattress to be delivered; this had not been received. Resulting in the parent sleeping in a chair.</p> <p>Complainant had tried to contact social care for an update several times</p>	<p>An apology was issued for the error in delivery of the mattress.</p> <p>The manager agreed to discuss the circumstance with the team, to avoid the issue being repeated.</p> <p>A new mattress was delivered.</p>

	and had not been able to get a response.	
Countywide	<p>Complaint raised by a relative with concerns that invoices between the provider and the council were not correct. Dates of care received were not up to date or accurate.</p> <p>They had contacted the income collection team, however the errors had not been corrected.</p>	The invoices were amended, and an apology was made for the delays in doing this.
Countywide	<p>A relative complained that they had previously complained, and it had been agreed to write off a debt; however subsequent invoices were then received. Indicating the agreed action had not been carried out.</p> <p>Resolution request was to confirm that the debt write off had been administered correctly and to not receive further invoices.</p>	<p>The investigation found that the debt write off had been agreed and the team were aware of it; however, the action required had not been implemented.</p> <p>The member of staff had been made aware of the error, the debt was written off fully on the system and further invoices ceased.</p> <p>Information was provided to the complainant to confirm these actions taken.</p>
Mid	<p>A relative raised a complaint that they had received a call to say the placement team would be in touch with them and several weeks later they have had no further contact. They have left several voice messages on the social workers phone and received no response.</p>	<p>The response confirmed a care home placement had been found. The investigation found that the social worker had been off with long term absence and no suitable out of office indicators had been put in place, hence the lack of response. It was agreed to remind the team to ensure out of office messages were used appropriately.</p>
Mid	<p>Complaint received through a member which was redirected as an Adult Social Care statutory complaint.</p> <p>A relative as a carer raised that they needed more support for their parent's care and had not received any contact from the social worker for some time.</p>	<p>The investigation found that the previous social worker had left, and the family had not been advised.</p> <p>To remedy the complaint an apology was provided for the delay between workers and not updating the family when the previous social worker left. A new social worker was assigned, and it was agreed they would follow up with looking into support needs.</p>

What we did well:

- Actively listen to customers when things go wrong
- Fully consider issues raised and seek suitable remedies
- Positively work with service to resolve issues when first raised
- Identifying individual needs and treating everyone respectfully.
- Continuously review processes to ensure these are consistent and current
- Manage complaints in line with policy and legislation

What do we need to improve?

- Introduce regular retrospective sessions with the service to consider what could have been done better and highlight areas of good practice
- Pay closer attention to what outcome the complainant is seeking at first point of contact
- Implement more consistent planning and monitoring to complex 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 2023 to the 31 March 2024. 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.

Complaint's 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 local authorities must adhere to it.

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 2023 to 31 March 2024, 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 complaint's procedure.

3. Executive summary

This report focuses on Adult Social Care complaints and compliments received for the period 1 April 2023 to the 31 March 2024. The report makes extensive use throughout of data, feedback received, as well as insight and learning from operational services.

During the period 1 April 2023 to 31 March 2024 572 Adult Social Care complaints were considered under the statutory complaints process, which is higher than 477 for previous period 2022/2023. A trial was initiated from May 2023 to improve accessibility in making a complaint through member services, which resulted in higher volumes of complaints being considered through the statutory complaints process.

There are no statutory timeframes for Adult Statutory Complaints with realistic and achievable response times negotiated with operational services and the complainant updated accordingly. However, we actively work towards responding within 20 working days and only in exceptional circumstances should complaints take longer than 6 months to resolve. During this period around a quarter of cases were responded to within 20 working days.

Cases taking over 65 days were the following topics:

- Finance - 22 cases
- Quality of Care - 20 cases
- Assessments - 18 cases
- Safeguarding - 4 cases
- Staff Conduct - 4 cases

Table: Number of Days to Providing Final Complaint Response from Date Received

Working days to resolve	22-23	%		23-24	%
0-20	123	25%		132	24%
21-30	125	26%		140	25%
31-40	59	12%		87	16%
41-50	41	9%		67	12%
51-65	43	9%		61	11%
65+	92	19%		68	12%
Total	483	100%		555	100%

During 2023/2024 a total of 149 compliments were received by the Compliance and Complaints team in relation to Adult Social Care which is a 20% increase from the previous year. 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.

4. Analysis of contacts received

During the period 1 April 2023 to 31 March 2024 572 complaints were received and considered under the Adult Statutory complaints process, which is higher than 477 for previous period 2022/2023 giving a 20% increase. As noted this is likely due to steps taken to improve accessibility of making complaints through member enquiries.

Table: Complaints Received by Topic during 2023/2024:

Complaints by theme	Number	Percentage
Assessments	152	27%
Finance	181	32%
Quality of Care	125	22%
Safeguarding	53	9%
Staff conduct	61	11%
Total	572	100%

The current complaints reporting system has five categories for recording social care complaints. All complaints are categorized into one or more of these topics. The topic with the highest volume of complaints received was finance, many of these referred to a change of provider for direct payments. Others related to invoicing or being charged for care which had been cancelled or not taken place.

Method of contact:

The following methods of contact were used during this period:

Complaints by contact method	Last Period	This Period	Variance
Email	222	319	44%
Letter	35	36	3%
Website/Online Form	191	174	-9%
Telephone	28	43	54%
Face to Face	1	0	100%
Totals	477	572	20%

The preferred method of contact continues to be via email with a small decrease in contact via the online form.

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 is fairly consistent to those for the period prior to the pandemic. Countywide teams experienced an increase due to contact regarding centralised finance teams.

Period	2020/20	2021/2022	2022/2023	2023/24
North	75	105	102	108
Mid	195	82	109	131
South	101	130	107	118
West	52	64	87	69
Countywide	14	60	65	123
No Quadrant specified	7	9	7	23
Total:	379	464	477	572

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

	2021/22	2022/23	2023/24
Specialism	Total	Total	Total
Assessments	38	41	37
Safeguarding	2	3	8
Finance	29	16	23
Quality of Care	34	31	24
Staff Conduct	2	11	16
Total:	105	102	106

Mid

	2021/22	2022/23	2023/24
Specialism	Total	Total	Total
Assessments	26	33	32
Quality of Care	26	34	39
Finance	16	21	36
Staff Conduct	8	11	11
Safeguarding	6	10	13
Total:	82	109	131

South

	2021/22	2022/23	2023/24
Specialism	Total	Total	Total
Assessments	37	41	31
Quality of Care	51	31	29
Finance	24	19	27
Staff Conduct	12	8	17
Safeguarding	6	8	14
Total:	130	107	118

West

	2021/22	2022/23	2023/24
Specialism	Total	Total	Total
Assessments	22	28	19
Quality of Care	19	22	12
Staff Conduct	5	6	8
Finance	13	24	23
Safeguarding	2	7	7
Total:	61	87	69

Countywide

	2021/22	2022/23	2023/24
Specialism	Total	Total	Total
Staff Conduct	6	9	10
Safeguarding	1	2	8
Quality of Care	17	10	15
Assessments	15	15	27
Finance	20	29	63
Total:	59	65	123

Of the 555 adult statutory complaints resolved during 2023/2024 a total of 308 were upheld or part upheld.

The following are typical themes of issues raised:

- Care charge disputes
- Lack of communication coupled with a lack of taking timely action
- Delays in carrying out assessments
- Failings of care provider
- Financial assessment delays
- Incorrect invoicing or delays in making payments or refunds
- Disputes over what should be considered as a Disability Related Expense
- Issues relating to payments and communications around change of direct payments provider.

- Insufficient care package

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.

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.

The majority of contact received is from relatives on behalf of 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 2022/23	Percentage 2023/24	Variance
Basildon	12%	10%	-2%
Braintree	7%	7%	-
Brentwood	5%	4%	-1%
Castle Point	5%	7%	2%
Chelmsford	13%	16%	3%
Colchester	13%	14%	1%
Epping Forest	7%	6%	-1%
Harlow	5%	6%	1%
Maldon	5%	4%	-1%
Rochford	4%	5%	1%
Tendring	9%	10%	1%
Uttlesford	7%	2%	-5%
Not Applicable/Countywide	5%	8%	3%

Corporate Complaints:

Non statutory complaints relating to Adult Social Care are managed through the corporate complaint's procedure. These are not eligible 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 2023/2024 a total of 126 cases were received as corporate complaints which is an increase of 64% to those considered through this process in 2022/2023. 113 were resolved in 2023/24. The outcomes from 2023/2024 adult social care corporate complaints resolved are as follows:

- Not Upheld: 43
- Partially Upheld: 18
- Upheld: 31
- Not ECC or Withdrawn: 21

The upheld cases related to the following issues:

- Several cases referred to a lack of communication about payments from a previous provider due to a change in direct payments contract.
- Accessibility issues relating to visual impairment and being sent invoices in small print which they are unable to see.
- Incorrect billing for care visits that did not take place and subsequent tone of letters requesting payment.
- Damage caused to property during removal of a hoist.
- Lack of communication regarding a placement request

Member Enquiries:

Adult Social Care complaints/enquiries which are sent direct to a County Councillor, MP were triaged. Those that met the criteria to be considered as a statutory complaint were handled as statutory complaints through the Council's Complaints team; those not meeting the statutory complaints criteria were handled as enquiries

through the Council's Member Enquiry team. 95 of the 572 Adult Social Care statutory complaints received during 2023/24 had been initially raised through a member.

Local Government and Social Care Ombudsman Investigations:

During 2022/2023 we received 42 enquiries from the Local Government and Social Care Ombudsman in relation to Adult Social Care, compared with 24 the previous year. This equates 1 in 13 ASC statutory complaints received during 2023/24 being referred to the Ombudsman.

Of the 43 received, the Ombudsman identified 6 were 'premature complaints', where the complainant has gone to the Ombudsman without completing the local relevant complaint procedure. 15 cases were escalated by the Ombudsman to formal stage. Some of these cases may have been initially received at informal stage the previous year.

Overall, there were 36 final decisions received from the Ombudsman; 15 of these were at formal stage. Around a third of ASC Ombudsman cases with a final outcome in 2023/24 were upheld.

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

LGO Investigation Outcome	2021/22	2022/23	2023/24
Not Upheld or withdrawn- No Maladministration or Injustice	20	16	23
Upheld, where either maladministration and/or injustice was found	17	12	13
Total Escalated to Formal Stage	21	15	15
Total LGSCO Decisions Received	37	28	36
Total LGSCO New Referrals Received by ECC	44	24	42

We are currently awaiting a decision on 7 cases received in 2023/24. Similarly, a small number of cases resolved in 2023/24 were received the previous year.

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.

(A summary of the Ombudsman Upheld Decisions received during 2023/2024 detailed in Appendix 2)

5. Compliments Analysis

During 2023/2024 a total of 149 compliments/positive comments were recorded by the Complaints team in relation to Adult Social Care. Typical themes from compliments received:

- Professional
- Thoughtful
- Goes above and beyond
- Supportive
- Caring
- Understanding
- Compassionate
- Explained things well

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.

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:

'I have just visited [Friend] to see him settled in fine...[friend] told us what an excellent care placement report you provided them with, contained so much information so a huge thank you from us too for all your hard work. We are sure [Friend] will be very happy there.....thank you again for your kindness and help which is so appreciated'

'All I can say to you [Occupational Therapist], is thank you. Because of your hard work and understanding of my difficulties, you have made a huge difference. The shower chair is a game changer and now I can do everything I have to do without being touched by my carers and the care package you've put in place has allowed me to employ two carers who share the load and cover their holidays.'

'Excellent work and communication from Adult Social Services: I contacted ASS to help with my neighbour. [Social Worker] has been brilliant in her attention to detail, supporting [neighbour] with her needs and communicating with her family. [Neighbour] is now in a much better state of health - mental and physical. I can't express my gratitude for the support everyone at adult social services has given to [neighbour] in her hour of need. Thank you'

'I just want to thank you and your amazing Team for your care and kindness. I was extremely poorly when first discharged from Hospital and thought that I would not be able to recover. Your Team changed all that. I know that I am now ready to get on with my life and retain my independence. I will miss you all and apologise for not naming each and everyone of you, but you all will remain in my thoughts for a very long time.'

'I just wanted to say a really big thank you! Not just for the outcome but for all your advice and support leading up to [Partner's] placement. I know that you tried really hard to put in all the support possible to try and keep [partner] at home. But as you have said the placement at [residential home] is the right outcome for us both. You are such a calm person, who took time with us to explain things clearly and also managed our expectations. We were both lucky to have you as [partner's] social worker.'

6. Next Steps

The Compliance and Complaints team aims 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 embrace complaints as a way to improve services and respond openly and honestly.

Complaints do not only highlight failings as upon review these also show 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:

- Continue to be responsive, listen to concerns and act on any failings
- Compliance and Complaints to continue to work in collaboration with Adult Social Care identifying any working practice improvements benefitting both service areas
- Compliance and Complaints to continue to develop the performance reporting for complaint handling and introduce performance review meetings.
- Further complaint training opportunities made available to all staff within Adult Social Care to ensure thorough and transparent complaint investigations are carried out.
- Continue to make best use of resources to deliver on our statutory obligations whilst continuing to embed the vital learning culture to manage demands, improve services and ensure better outcomes for all our customers and service users.
- Compliance and Complaints continue to work closely with the Local Government and Social Care Ombudsman, ensuring any Ombudsman enquiries are responded to within the timescale given.
- Ensure that actions and remedies from complaints are tracked and where relevant fed back to the Ombudsman within the mandated timescale.
- Compliance and Complaints team will introduce lessons learnt workshops for Ombudsman upheld cases and a sample of upheld complaints. From which case studies will be developed to further demonstrate the learning and impact from complaints.

Appendix

Appendix 1 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 most 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 upheld decisions received during 2023/2024:

Upheld – Residential care 25-May-2023

Summary: We will not investigate this complaint about the level of care provided to Mrs X's sister. This is because the Council has agreed to resolve the complaint early by providing a proportionate remedy for the injustice caused by the likely fault.

Upheld - Charging 11-Oct-2023

Summary: The Council failed to ensure Miss Y received accurate invoices for domiciliary care services from a care agency commissioned by the Council. The Council delayed in acting on numerous complaints about this.

Upheld - Assessment and care plan 01-Oct-2023

Summary: Mrs X complains there were failings in the way the Council provided care and support to her daughter Ms X and responded to her concerns about the matter. The Council has accepted it was at fault as it delayed carrying out a social care review of Ms X following Mr and Mrs X's requests. It also delayed responding to Mrs X's correspondence. The Council has apologised and paid Mr and Mrs X £350 in recognition of the uncertainty caused which is suitable action for it to take. The Council is now discussing a social care needs review with Mr and Mrs X and Ms X which is the outcome they were seeking. So, we have completed our investigation.

Upheld - Charging 20-Nov-2023

Summary: The complainant (Mr X) said the Council failed when carrying out a financial assessment and the Deferred Payment Agreement (DPA) process for his late father (Mr Y). Mr X also complained about the way the Council dealt with his complaint. We found fault in all matters complained about. This fault caused injustice to Mr Y and Mr X. The Council agreed to apologise, pay to Mr Y's estate part of the residential nursing fees which would have not been incurred if not for the Council's failings and make payments for Mr X's distress and time and trouble. The Council also agreed to carry out some service improvements.

Upheld Charging 01-Nov-2023

Summary: We will not investigate this complaint about the Council's pursuit of Mr X for care charges incurred by his late mother Ms Y. This is because the Council has put forward a reasonable remedy during our consideration of the complaint.

Upheld Domiciliary care 19-Mar-2024

Summary: Mrs X complained about the actions of the care provider arranged by the Council after her father, Mr Y, fell at home. There was fault in how the care provider, acting on behalf of the Council, arranged for Mr Y to go into a care home, without seeking the Council's approval first. This led to Mr Y being charged for care he would not have been. The Council agreed to apologise, reimburse some of the care fees Mr Y was charged and remind its providers about the correct procedure to follow in future.

Upheld Assessment and care plan 08-Feb-2024

Summary: We will not investigate this complaint about delay allocating Mr Y a social worker. This is because the Council has agreed to resolve the complaint early by providing a proportionate remedy for the injustice caused.

This information is issued by:

Essex County Council

Contact us:

www.essex.gov.uk/complaints

www.essex.gov.uk

0333 0139 815

The information contained in this document can be translated, and/or made available in alternative formats, on request.

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