

**Report to:** People Scrutiny Committee

**Date of meeting:** 22 July 2022

**By:** Director of Adult Social Care and Health

**Title:** Handling and learning from complaints, enquiries, and feedback

**Purpose:** To explain how the Adult Social Care complaints and feedback process interacts and responds to issues, concerns and MP/Councillor enquiries

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## **RECOMMENDATIONS**

### **1) The Committee is recommended to consider and comment on the report**

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#### **1 Background**

1.1 Adult Social Care (ASC) works with many people throughout the county, often at difficult times in their lives. Services try to enable people with care needs, alongside their informal carers, to retain their independence and stay in their own homes. When this is no longer possible, we support people to access appropriate residential or nursing care. The department also has lead responsibility for safeguarding adults at risk of harm by others.

1.2 We always aim to provide and commission high quality services that meet the needs and circumstances of individuals and their families. However, given the personal and complex nature of our services, sometimes things do go wrong.

1.3 If things go wrong or fall below expectation, we try to sort things out quickly and fairly. The complaints process is a mechanism to identify problems, resolve issues, learn from our mistakes and to make changes to improve services and prevent the same thing happening again.

1.4 There are other mechanisms that also inform our understanding of people's experiences, including:

- MP and Councillor enquiries
- Appeals Mechanisms (Care Management, Blue Badge and Financial)
- Feedback directly to the Complaints & Feedback Team – including compliments
- Listening to You surveys
- Local consultation and research
- National surveys

1.5 This report will focus on our complaints process and the relationship with MP/Councillor enquiries.

#### **2. The complaints process**

2.1 The ASC complaints process is administered in accordance with the Social Services and NHS Complaints Regulations 2009. It has two stages. Stage one is local resolution. Stage two is an independent view by the Local Government and Social Care Ombudsman (LGSCO) and/or a joint investigation with the Parliamentary and Health Service Ombudsman (PHSO).

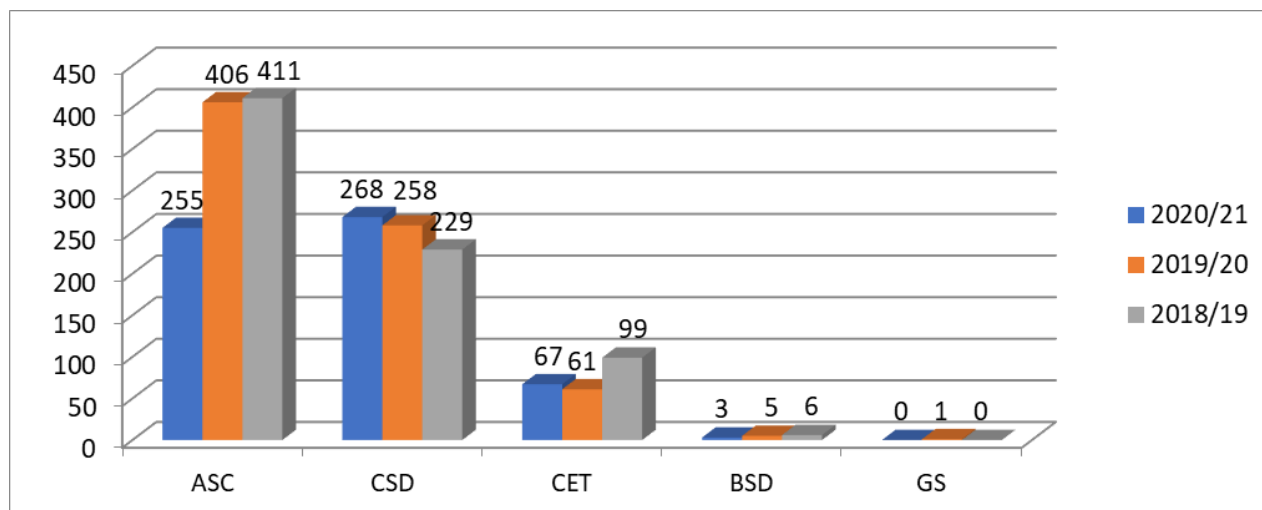
2.2 The ASC Complaints and Feedback Team ensures the administration of the complaints process working to the Department of Health and Social Care's definition of a complaint:

*“An expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a local authority's adult social services provision which requires a response.”*

2.3 At stage one, if people tell us we have got something wrong we will investigate it impartially and fairly. We acknowledge their complaint within three working days and will aim to

complete our investigation within 20 working days. This is extended when matters are complex, crossing a range of services and agencies.

2.4 For context, the graph below shows the number of complaints received across the Council in 2018/19-20/21. ASC consistently records the highest number of complaints. During the first wave of the pandemic the complaints process was deferred, hence the lower number of complaints for that year. In the most recent full year (2021/22) ASC has recorded 342 complaints. It is important, when dealing with the most vulnerable residents in the county, that our complaints process is easy to use, and people feel comfortable to make a complaint.



CSD: Children's Services Department, CET: Communities, Economy and Transport Department, BSD: Business Services Department, GS: Governance Services Department

2.5 Complaints can be upheld in full, in part or not upheld. The table below sets out the number of complaints received in recent years, with the number of complaints upheld in full and part and the number of compliments received. Last year (2021/22) 57% of our stage 1 complaints were not upheld.

	Change	2021/22	2020/21	2019/20
<b>Number of complaints received</b>	↑ 34%	<b>342</b>	<b>255</b>	<b>406</b>
<b>Number of complaints upheld/partially upheld</b>	↑ 3%	<b>146</b>	<b>102</b>	<b>159</b>
<b>Number of compliments</b>	↓ 12%	<b>723</b>	<b>823</b>	<b>1431</b>

2.6 Where we have got something wrong, we will do our best to put it right and make sure it does not happen again. We try to ensure the person and/or complainant is at the centre of the process. This includes suspending the complaints process if a safeguarding enquiry is underway.

2.7 Increasingly complaints are complex and can involve the local authority, other ASC providers and a wide range of health organisations, which can be confusing for people. The Pan Sussex Joint Complaints Handling Protocol for Social Care and NHS agencies provides a framework for collaboration in handling complaints, to ensure:

- a single consistent and agreed contact point for complainants
- regular and effective liaison and communication between complaints managers and complainants, and
- learning points arising from complaints covering more than one body are identified and addressed by each organisation

Determining which organisation will take the lead role in a joint complaint will consider, for example, whether more of the issues in the complaint relate to one organisation compared with other organisation(s) and the seriousness of the complaint.

2.8 If people remain unhappy with our response at stage one, they have the option to complain to the Local Government and Social Care Ombudsman (LGSCO). This a free and

independent service. Complaints involving health services are investigated jointly with the Parliamentary and Health Service Ombudsman (PHSO). At this stage, complaints are often complex and multi-faceted. The LGSCO determine fault based on maladministration or shortfalls in service provision leading to injustice and/or avoidable distress. Investigations look at what should have happened according to law, guidance and policy. Approximately 5% - 8% of our annual total stage one complaints go to LGSCO investigation.

2.9 Where fault is identified, the LGSCO identifies remedies and recommendations for learning. The LGSCO expects 100% compliance with their final decision and requires evidence to support this.

2.10 Complaints performance is monitored through:

- Monthly reports of themes and trends to the Departmental Management Team (DMT)
- Quarterly reports for managers
- Statutory duty to publish an annual report – Customer Experience Annual Report reported to Governance Committee ([2020/21 report](#))
- Consideration of the annual report by the Corporate Management Team
- LGSCO annual review letter to Councils
- LGSCO annual review of ASC Complaints

### **3. MP and Councillor Enquiries**

3.1 Residents of East Sussex, or people acting on behalf of a resident, can contact their local Councillor or MP to ask for help, express concerns or raise issues about ASC. MP and Councillor enquiries are reviewed and responded to by the Director of ASC and can be about anything, they do not necessarily fall within the definition of a complaint. Evidence of consent is required if acting on behalf of someone else, otherwise we are limited in what we can share. Enquiries are signposted to other agencies where appropriate.

3.2 An MP or Councillor can expect their enquiry to be acknowledged by the Director within three days of receipt and, whilst we do not have formal timescales, we try to provide a response within 10 to 20 working days. This is extended in complex situations.

3.3 Enquiries can be about open and closed complaints or can raise a new issue of concern. In all instances the MP and Councillor are representing their constituent's view. To ensure consistency the Complaints and Feedback Team will oversee these enquiries and the Director will provide a response about what we have done to put things right or explain our actions and next steps. The enquiry is informed by talking with the teams involved, looking at records and referring to policy.

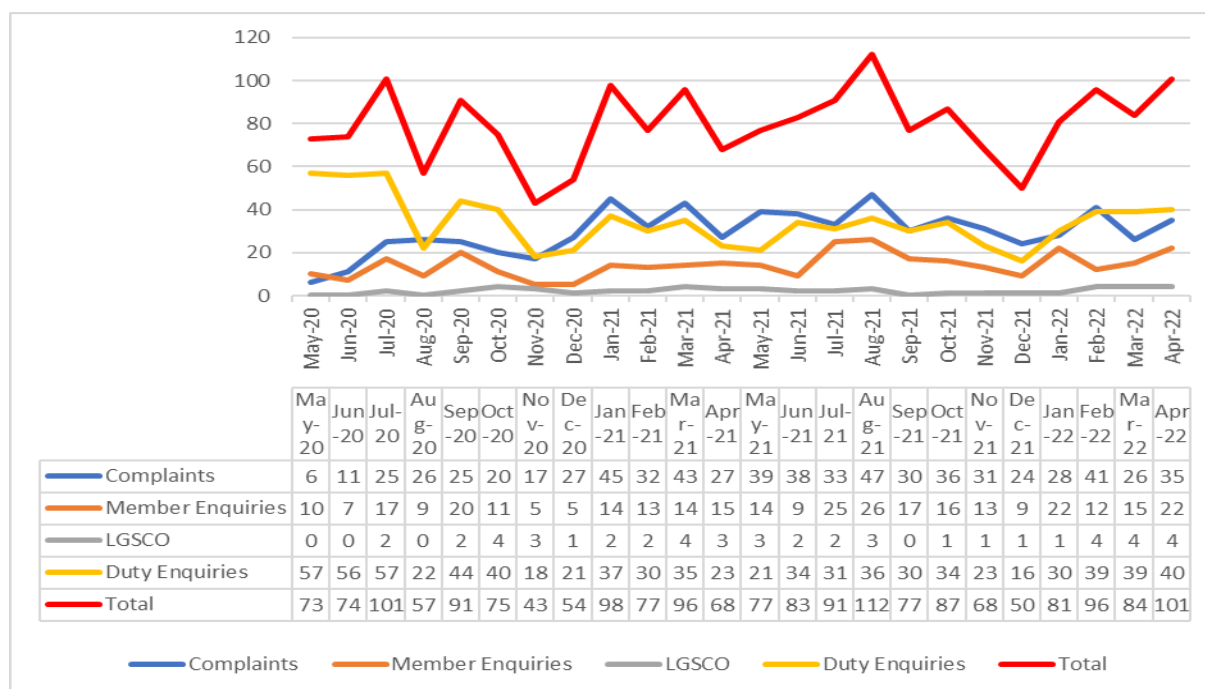
3.4 Ideally the complaints and enquiries process would be linear, running parallel. This is not always the case. Repeated Councillor/MP enquiries related to the same case can result in a recommendation that the issue is referred into the complaints process. Repeated enquiries alongside multiple complaints about the same or similar issues can alert us to shortfalls in how we have handled matters. Alternatively, multiple reports can indicate unreasonable behaviour, where someone is refusing to accept a decision or engage with our processes. On rare occasions, we will apply the Unreasonable Behaviour Policy to try to ensure we do not spend a disproportionate amount of time on matters that can affect our delivery of other services. Application of the policy can result in communication strategies to limit contact and communication.

### **4. Monitoring themes, trends, and learning**

4.1 ASC Department Management Team receive a monthly update of data recorded via complaints, Member enquiries, LGSCO and Duty enquiries (calls that are triaged through our complaints access process). The data is aggregated and analysed to identify emerging themes and trends. This goes beyond the scope of the annual complaints report, which solely identifies themes, trends and learning points from complaints data. For example, we can track:

- The number and reasons for repeat complaints and enquiries
- Issues that are not necessarily identified by the complaints processes – for example neighbours expressing concerns about people's wellbeing. Consent issues limit what we

can share but concerns are shared with the care management process. We continue a client centred approach in these situations.



4.2 We have introduced a formal system to ensure actions and learning arising from complaints and enquiries are implemented.

4.3 Reflective practice sessions are being developed to ensure learning points from LGSCO enquiries are looked at across the department to improve services.

## 5. Conclusion

5.1 We know it is crucial to have in place an effective, accessible, and fair means for people's comments and complaints to be heard and resolved wherever possible. Our complaints process provides this opportunity and is a valued statutory function of the department.

5.2 The MP and Councillor enquiries mechanism is another means by which people can raise issues and concerns. Sometimes they are related, and this provides us with invaluable insight about the handling of matters.

5.3 Regrettably, with fewer resources to meet the needs of the most vulnerable, complaints and concerns will be raised. We are seeing a rise in the complexity of complaints and increased MP and Councillor enquiries. Sometimes, there is no easy solution to the range of challenges we face currently. However, it is essential that we continue to identify where our services have fallen below expectation and where we may need to focus attention to ensure learning points are embedded.

5.4 In these times it also becomes increasingly important to support and promote our customer service principles of being fair, open, and timely and to demonstrate clear and compassionate decision making. Our processes are important to ensure an equitable response.

5.5 With a strong commitment to better integrated services with the NHS and close partnership working with other agencies we will continue to review and monitor the complaints process closely. With the changes and challenges happening at this time we want to ensure we are able to meet the opportunities and challenges going forward.

**Mark Stainton**  
**Director of Adult Social Care & Health**

Contact Officer: Janette Lyman, Strategic Lead: Inclusion & Support Services

Tel. No. 01273 481156

Email: [janette.lyman@eastsussex.gov.uk](mailto:janette.lyman@eastsussex.gov.uk)