



Annual Complaints Report

2022/2023

Adults

Contents

1. Introduction. Page 3
2. What is a complaint? Page 3
3. The complaints we received and how we responded. Pages 4 to 9
4. Political enquiries received and how we responded. Page 10
5. How we have improved our service as a result of complaints. Pages 11 & 12
6. Compliments and customer feedback. Pages 12 &13
7. Final comments. Pages 13 &14

1. Introduction

The NHS and Community Care Act 1990 requires all Local Authorities with social services responsibilities in England and Wales to have a complaints procedure for those citizens in receipt of social care to access.

The 2009 regulations 'The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009' dictate that social care complaints follow a one stage process for complaints to be resolved by the Council. If the complainant remains unhappy with the outcome of their complaint, they have the right to approach the Local Government Ombudsman to investigate their complaint.

Part of the statutory requirement is the production of an annual report on complaints, which is information on social care complaints received about Adult Social Care Services in the financial year 2022/2023.

Complaints which contain an element of social care fall under the statutory Adults Social Care guidelines, however, the Council also has responsibility for processing '*corporate*' complaints which relate to customers who may be dissatisfied with services which are not related to social care, but which relate to other services provided by the Council (not including Children's Services). These complaints will follow the Council's two stage complaints process.

2. What is a complaint?

A complaint is defined as a written or verbal expression of dissatisfaction about the service provided by the Council.

In Manchester, we deal with two types of complaints – Corporate Complaints and Social Care Complaints. As mentioned above, Corporate Complaints are those which do not contain elements of social care, so may be relating to staff conduct or in relation to financial payments. Social Care complaints are any complaints received which relate to social care issues, and this will include appeals against a reduction in personal budget.

We aim to acknowledge complaints within three working days and to send a full written response within 10 working days for Corporate Complaints or 20 working days if the complaint relates to social care. Should the investigation proceed beyond this timescale, we will advise the complainant of any delay.

If the complainant requires clarity of any of the points in their complaint response, following investigation, they can return to the Council for further information.

3. The information below shows the detail of the complaints we received and how we responded

3.1 Complaints

2022/2023 has once again been a challenging year for the Council as we continued to respond to the pressures of adapting services post Covid-19 pandemic. In particular, all services across social care have encountered issues with retaining existing staff and indeed recruiting to vacant posts.

During 2022/2023 a total of 273 complaints were received which expressed dissatisfaction with services provided by the Council's Adult Social Care Service, 214 (78%) of these were social care related complaints and 59 (22%) were non-social care complaints. This is an overall decrease from the 289 received in 2021/2022 (5%).

Where possible, Complaints Officers will identify those complaints received which can be resolved prior to a formal investigation (these are known as averted complaints). This initial review can avert the need for a full investigation, by quickly resolving the concerns raised for the complainant, and therefore the complaint does not need to progress through the formal complaint procedure. A complaint which is averted must be resolved to the complainant's satisfaction within 24 hours.

During 2022/2023 a total of 85 complaints received were averted (54 Social care and 31 Corporate), this is a decrease from 93 the previous year.

Social Care Complaints

Table 1- Social Care Complaints

Complaint Type	Internal Timescale	Complaints responded to	Percentage responded to within 20 working days (target 80%)
All Social care complaints	20 working days	160	65%
Social care complaints averted	-	54	-

The 2009 regulations 'The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009' dictate that social care complaints follow a one stage process for complaints to be resolved by the Council. The regulations state that a complaint should be responded to within 6 months. However, striving to be ambitious in our performance for responding to our citizens more quickly, the Council has set a much more challenging target to respond to social care complaints within 20 working days, and have set an equally challenging target to do this in 80% of the cases we respond to.

A total of 160 formally recorded social care complaints were investigated and responded to in 2022/23. This is an 10% decrease on the previous year (177 in 2021/22), which is a positive improvement.

104 complaints were responded to within the internal 20 working day deadline (65%) (49 within 10 working days). Of the 56 which were responded to after the 20 working day internal deadline, 25 were responded to within 30 working days (6 weeks) and 31 complaints were responded to after this period. Only 1 complaint went past the 6 month national deadline, this means that 99.5% of the Council's complaints were responded to within the timeframe set out in the legislative requirements.

The longest complaint investigation took 148 working days and was a complex complaint involving multiple Council and commissioned services.

There are many factors which can delay a complainant investigation these include complaints about providers such as home care and residential care homes being received through the Council's complaint process, which involves contacting providers for information to inform our investigations. Whilst we do ask partner organisations to work within our timeframes where possible, this is a request and is not enforceable, nor is it a requirement of the legislative framework under which our partnerships exist.

As the Council is required to undertake joint investigations with our Health partners in the National Health Service, this means we may be obliged to work to the statutory Social Care and National Health Service 6-month timeframe rather than our own internal deadline of 20 working days. This can impact our own internal performance.

68 of the 160 social care complaints investigated were upheld or partially upheld (42%). This the same percentage as those upheld in 2021/22.

The main themes of the social care complaints received were:

1. Disagree with a decision
2. Lack of Support
3. Funding/Financial Issues
4. Adaptations Issues
5. Staff Conduct

During 2022/23 there were no appeals received in relation to reduction in individual budgets.

Corporate Complaints

Table 2- Corporate Complaints

Complaint Type	Internal Timescale	Complaints responded to	Percentage responded to within 10 working days (target 85%)
Stage 1 corporate complaints	10 working days	25	64%
Stage 2 corporate complaints	10 working days	3	67%
All corporate complaints	10 working days	28	64%
Corporate complaints averted	-	31	

A total of 28 corporate complaints were responded to in 2022/23. This is an increase from 19 the previous year (47%).

18 of the 28 complaints received were responded to within the Council's 10 working day internal deadline. A further 3 complaints were responded to in 30 working days (6 weeks).

The majority of the complaints that were responded to outside the timescale related to complaints in respect of incorrect charging for care visits. This involved the Council contacting providers for details of the care visit times to inform our investigations, whilst we do ask partner organisations to work within our timeframes, this is a request and not enforceable.

Of the corporate complaints handled, 9 (32%) of these were upheld, or partially upheld, which is a decrease from 37% the previous year. This can be further identified as:

Stage one

Of the 25 corporate complaints handled at stage one, 8 (32%) of these were upheld, or partially upheld, this is a decrease on the previous year which was 33%.

Stage two

Of the 3 corporate complaints handled at stage two, 1 was upheld (33%). Last year 100% of these were upheld.

The main themes of the corporate complaints received were complaints in relation to financial charging disputes, staff conduct and poor level of service or service failure.

Upheld Complaints

Whilst an upheld complaint can be seen as an indication of poor service, it also highlights that the Council recognises and acknowledges any errors and in doing so, has identified recommendations for service improvement.

When a complaint is upheld, we will acknowledge with the complainant that the complaint is justified and apologise for any error where we have not met a citizen's expectations with our service delivery. A learning action plan will be compiled to identify actions required to improve the service following the complaint investigation. The complainant will be advised of the actions we will take to ensure the error does not occur again within our final investigation report.

There are occasions when a complaint may not have been upheld, meaning the Council has followed our own processes, but the investigation into the complaint highlighted ways we could do better, and this can lead to a change in policy process.

3.2 Reasons for dissatisfaction

The main areas of dissatisfaction in relation to complaints are summarised below:

Table 3- Reason for dissatisfaction, Social Care

Reason for dissatisfaction, Social Care	Number
Adaptation Issues	12
Advice/Support required	8
Assessment of need	4
Communication	10
Concern for welfare	8
Contracts-Falls	1
Contracts- Late Calls	2
Contracts- Missed Calls	3
Contracts- Staff Conduct /Behaviour	5
Contracts- Standard of Care	6
Delay in Service Delivery	5
Disagree with a decision	26
Disputed Assessment	3
Equipment	1
Financial/Funding Issues	14
Hospital Discharge	2
Lack of support	18
Other	5
Poor level of service or service failure	6
Process/procedure issues	2
Provision of service	5
Quality of Care	2
Staff Conduct/Behaviour	12
Total	160

Table 4 - Reason for dissatisfaction, Corporate

Reason for dissatisfaction, Corporate	Number
Advice/Support required	3
Blue Badge	1
Delay in service delivery	1
Disagree with a decision	2
Financial Issues/Charging Disputes	8
Other	3
Poor level of service or service failure	3
Process/procedure issues	1
Provision of Service	1
Staff Conduct/Behaviour	5
Total	28

Local Government and Social Care Ombudsman

When a complainant remains unhappy following the Council's investigation into their complaint, they can complain to the Local Government and Social Care Ombudsman (LGSCO). The Ombudsman looks at individual complaints about Councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. It investigates matters fairly and impartially and is free to use.

When the Council receives a complaint from LGSCO on behalf of a citizen, the Council is given a timescale of 28 calendar days to provide a response to the LGSCO.

The Ombudsman will investigate concerns raised and will refer to 'maladministration' and 'service failure' should fault be found on the part of the Council. They will also consider, if fault is found, whether this 'fault' has had an adverse impact on the person making the complaint. This is referred to as 'injustice', and the Ombudsman may suggest a remedy to the Council in order to correct any fault.

Table 5- Ombudsman Complaints

Complaint Type	Timescale	Complaints responded to	Percentage responded to on time
Ombudsman social care	28 calendar days	10	40%
Ombudsman non-social care	28 calendar days	-	
All Ombudsman Complaints	28 calendar days	10	40%

The total number of formal LGSCO complaints responded to during the year was 10, this was an increase compared to the 9 formal investigations responded in the previous year (11%).

Of the 10 investigations 4 were submitted to the Ombudsman within the 28 calendar days timescale and six were submitted late.

We always aim to investigate Ombudsman Investigations as quickly as possible however, some delays are unavoidable and reasons for this include:

- Availability of key staff to participate in the investigation.
- Pressure on the service which means they have current priorities (such as a safeguarding or court cases).
- Joint investigations with our commissioned providers and Health partners.
- Volume and complexity of additional evidence requested from the Ombudsman to supplement the investigation.

There were also 9 informal investigations received from the LGSCO, 4 were closed after initial enquiries, 2 were referred to the Council to investigate under our complaints procedure (this is because the Council had not been given the opportunity to respond before the complainant approached the LGSCO) and 2 were escalated to full investigations, and we are awaiting the outcome of 1.

The Council also received 7 decisions from the Ombudsman during the period 1 April 2022 to 31 March 2023. These decisions were following investigations of complaints sent to the Council from the LGSCO which we had responded to. Of the 7 decisions received, 4 were upheld (57%), 3 were not upheld (43%).

Detail on the LGSCO findings following investigation, and the remedies put in place can be seen in the table on the following page.

Table 6 – Ombudsman decisions upheld and remedies

Case	What did the Council Do Wrong?	Remedy
Case A	<ul style="list-style-type: none"> The Council should have taken action to find an alternative external provider sooner. This deprived the complainant of respite from her caring role. The Council should have arranged a meeting with the complainant to understand her preferences and undertaken a carers assessment. There was a delay in responding to the complaint. 	<ul style="list-style-type: none"> The Council apologised to the complainant for the delay in responding to her complaints. The Council paid the complainant £450 to acknowledge the distress caused by the loss of respite.
Case B	<ul style="list-style-type: none"> The Council failed to discuss the option of the citizen considering a cheaper care package. There was also confusion on what information could be shared with the citizen's daughter 	<ul style="list-style-type: none"> The Council apologised to the citizen and complainant. Social Care staff were reminded to offer the option of seeking an alternative care provider if the citizen expresses a desire to choose a more expensive option. Social care and Finance staff were briefed in respect of information sharing with family members
Case C	<ul style="list-style-type: none"> The Council failed to communicate effectively with the complainant in respect of DFG (Disabled Facilities Grant) 	<ul style="list-style-type: none"> The Council was required improve communication with citizens in respect of DFG. The Council also required to improve systems for dealing with such communication to ensure the delays experienced are minimised.
Case D	<ul style="list-style-type: none"> The Council commissioned a service which provided care to the citizen, however some of the calls were less than the scheduled time, there was also a delay in investigating the concerns about the short calls. 	<ul style="list-style-type: none"> The Council apologised for the uncertainty caused by short and inconsistent calls. The Council paid £100 for causing uncertainty and the time and trouble to make the complaint. The Council was required to share this decision with staff to highlight the need to address any concerns raised without delay.

4. Political enquiries received and timeliness of response

Political enquiries

Political enquiries are defined as enquiries received from Elected Members of the Council or Members of Parliament acting on behalf of their constituents. During the reporting period the directorate responded to a total of 259 political enquiries. This was a small increase of 1% on 257 the previous year.

Table 7 – Political enquiries

Political enquiries by service area	Number
Social Care	155
Business Delivery	82
Commissioning	18
Finance	4
Public Health	0
Total	259

An additional 25 enquiries were averted or referred elsewhere (to another organisation). Of the 259 political enquiries received 219 were responded to within the 10-working day timescale (84%).

Table 8 – Political enquiries, theme of enquiry

Theme of Political Enquiry	Number
Concern for welfare	72
Advice/Support required	31
Adaptation Issues	25
Assessment of need	23
Financial/Funding/Charging Issues	15
Delay in service delivery	13
Referral	10
Hospital Discharge	9
Disagree with decision	8
Provision of Service	7
Blue badge	6
Lack of Support	6
Equipment	6
Other*	28
Total	259

**Other includes: Accommodation, Asylum Issues, Communication Issues, Contracts- Communication, Contracts- Continuity of Care, Contracts- Home Closure, Contracts- Staff Conduct, Disputed Assessment, Mental Health Assessment, Policy Issues, Poor level of service or service failure, Staff Conduct.*

Non-Political Enquiries

There was a total of 47 non-political enquiries in 2022/2023 of which the main theme was Advice/Support required, this is an increase on 36 general enquires last year (30%). A non-political enquiry is an enquiry from members of the public which will usually relate to our process or procedures, is generally asking for advice or information, and is not an expression of dissatisfaction.

5. How we have improved our service as a result of complaints

We recognise that when things do go wrong, we need to learn from the mistakes made to ensure that we reduce the likelihood of the same mistake happening again. Any complaint which is upheld will identify errors made on the part of the Council and will identify actions and potential service improvements which need to be made as an outcome of the complaint investigation.

These actions are categorised as high or low risk learning points. High risk are those actions identified from Ombudsman Investigations, issues which affect all services across the City as opposed to one individual team, or those complaints which require significant change to practices. These will often also involve a high degree of injustice for the customer. Learning actions from cases identified as high risk are compiled into an action plan and allocated to appropriate managers to be implemented within a set deadline.

Low risk actions are referred to the Team Manager of the appropriate service to ensure identified actions are implemented within the agreed timescale.

Table 9 - Learning categories in terms of risk

Learning Theme	Risk Level High	Risk Level Low
Contract Management review		16
ICT/technology review	1	5
No Action Required/ Not Applicable	1	13
Policy Review	-	-
Procedural review	1	1
Staff 1:1		1
Staff briefing	2	13
Staff levels/workload review		25
Staff disciplinary		2
Total	5	76

The main actions identified from service improvements across the directorate were for staff briefings to be held, to discuss required improvements in performance or practice.

Table 10 – Summary of learning actions

Learning Root Cause	Risk Level High	Risk Level Low
Failure to follow process/procedure	-	31
Inadequate policy/procedure/service	-	3
Inadequate staffing levels	-	-
Inappropriate Behaviour	-	4
Incorrect/no Advice Provided	1	4
No Action Required/ Not Applicable	2	8
Staff caused a delay	1	10
Staff lack of knowledge/training		11
Technology/ICT failure	1	5
Total	5	76

The main root cause identified from complaints across the directorate were failure to follow process/procedure, followed by Staff lack of knowledge/training.

6. Compliments

During the year 1 April 2022 to 31 March 2023, the Directorate received a total of 126 written compliments. This is a decrease from 155 received the previous year.

Some examples of compliments received are detailed below:

Sensory Service:

“I would just like to take this moment to say thanks for all your assistance with my mum. Prior to you training my mum, she was timid, nervous and she didn't have the confidence to walk by herself. I have seen a positive change in my mum since you came into her life. She is happier, has regained some independence and she is proud of herself. Proud because she can now go up and down the stairs unaided, proud because she can now walk to the lift and go downstairs by herself, proud because she can now take her bin out by herself and proud because she was able to go downstairs using her white cane to welcome her sister who visited her... You went above and beyond in your job. You were very patient when training my mum..... You have been a positive influence on my mum and your impact in her life is felt by us all.”

Social Services:

“My email today is in regards to my mum’s amazing social worker she assessed my mum last year and was amazing very professional and great at her job and even at that point I felt like she actually cared not just a number. She is a real credit to your team great at her job, cares about the person and the person’s family, as a daughter supporting my mum I totally was so grateful for her support and no nonsense approach always there for advice and to answer my questions.”

“I just wanted to let you know how we appreciated our social worker’s help with our Dad. She was the calm, professional voice of reason whilst also being friendly during a difficult family time.”

“We want to thank our social worker for the support she has given to Mr J . She is caring, helpful and dedicated social worker we would wish to always have to support our family member. We are forever grateful to her for the support.”

Reablement:

“Mr B would like to say Thank You to all that have been involved with him and his wife, he would like to say a special Thank You to the reablement worker for all the support and advise he and his wife received from her in the past week, and due to that advice and support he is now taken over the care and is able to provide the support and care for his wife himself.

7. Final comments

As is outlined in this report, the Council has experienced a decrease in overall complaints in 2022/2023, which is a positive outcome, however we recognise that there is still work to do to improve services and reduce this figure further.

There was a small increase in political enquiries during this period as citizens contacted their local representatives to share their concerns.

The number of Local Government and Social Care Ombudsman enquiries we received has also increased during 2022/23.

The Council is committed to continuing to improve our performance activity across all areas of our complaints process in responding to complaints and enquiries. We will continue to ensure Complaints Officers fully support Investigating Officers in ensuring our investigation responses are delivered on time and are fit for purpose.

It is recognised that some delays were due to the complexity of the complaint/enquiry, or the need to await the outcome of a meeting or assessment in order to conclude the investigation into the concerns raised. In these cases it was communicated with the complainant or enquirer that there would be an unfortunate delay in responding to their concerns.

Some citizens do make repeated contact about the same or similar issues, where possible the Council attempts to resolve issues at a local level, particularly where there is an ongoing relationship with the citizen and to reduce any delay in working processes. If this is not possible then we will process the concerns through the formal complaints process. This does sometimes mean that we have complainants who repeatedly make complaints, therefore out of the complaints total there will be a small number of complaints that are from the same citizen.

The Complaints Service are working with the directorate to try and reduce delayed responses and have rolled out bespoke complaints training to all officers who investigate complaints within the directorate. This training has been well received and strengthened the working relationship between the complaints staff and operational teams and creating a more robust service. This programme of training will continue to be regularly scheduled throughout the year so that any new staff are able to

attend and ensure that staff are aware of the importance of a timely response and a thorough investigation.

Complaints Officers will be working closely with the Senior Management Team to identify further areas for improvement when responding to complaints and enquiries.

During 2022/23 staff have continued to evolve the way in which we work following the global pandemic. We have worked hard to ensure that for those complaints which are upheld, learning actions have been identified and lessons learnt to improve service delivered to the citizens of Manchester. We will also continue to consider, where fault is identified, appropriate remedies at an early stage in the complaint process.