

Adult Social Care
Complaints and Feedback
Annual Report 2024 - 25

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1. Introduction

- 1.1 This annual complaints and feedback report provides an overview and analysis of feedback received in the form of complaints, concerns, comments and compliments about adult social care services in Bath and North East Somerset for the period 1st April 2024 to 31st March 2025.

2 Legal Framework

- 2.1 The legal framework under which the Council responds to feedback, including complaints, about adult social care services is set out in the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. The Regulations apply to all organisations which provide, arrange or commission NHS care and adult social care services.
- 2.2 The Complaints and Feedback Procedure is a two stage process; the Council has responsibility for the first stage which provides an opportunity for the council to deal with complaints effectively in a timely manner and correct faults without delay. The second stage is referral to the Local Government and Social Care Ombudsman (LGSCO).
- 2.3 The Council is required to produce an annual report which summarises the complaints that have been received; any issues of concern arising out of the complaints or their handling; and the action required to improve services which are identified during the process.
- 2.4 From time to time, complaints are received about Adult Social Care which do not fall within the scope of the statutory complaints procedure. These complaints are dealt with under the Council's Corporate Complaints Procedure. Further information about the Council's Complaints Procedure can be found on the website: <https://www.bathnes.gov.uk/make-complaint-about-other-council-services>

3 Local Arrangements

- 3.1 The Complaints and Data Protection Team is part of the Information Assurance Service (One West) and provides complaint management and data protection support to Adult Social Care, Children's Services and Public Health.
- 3.2 The service areas covered by the adult social care statutory complaints and feedback procedure are:
- Adult Social Care
 - Learning Disability, Autism and Hearing and Vision Servi
 - Adult Safeguarding responsibilities
 - Deprivation of Liberties and Best Interest decisions.
 - Financial assessment and charging for care services
 - The Approved Mental Health (AMHP) Service
 - The mental health social work service in AWP.
 - Community Resource Centres, and Extra Care Housing
 - Services commissioned by Adult Social Care.
- 3.3 The Council also has arrangements in place with partner agencies such as AWP and the BSW ICB to provide a single investigation and response to people with a complaint about multiple bodies.

4 The Complaints and Feedback Procedure

- 4.1 The LGSCO defines a complaint as:
- “An expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by an organisation, its own staff, or those acting on its behalf affecting an individual or group of individuals”.*
- 4.2 The complaints procedure is available to those who receive, have applied for, or are otherwise affected by adult social care services. Where the complaint is made by a representative of the service user, the council must satisfy itself that appropriate consent, Lasting Power of Attorney (LPA) or a deputyship arrangement is in place. A representative can also complain on behalf of someone who has died.
- 4.3 The Complaints and Data Protection Team supports the service by:
- Receiving, acknowledging, logging and monitoring all complaints
 - Liaising with the complainant to understand the complaint and the outcomes sought and ensure a written record of the complaint is made, assess the seriousness of the complaint and keep the complainant informed of timescales and progress.
 - Providing advice and guidance on complaint handling

- Quality assurance of complaint responses
 - Co-ordinating responses to Ombudsman assessments, investigations and the Final Decision statement.
 - Production of performance reports
- 4.4 There is no specified timescale for the complaint response, other than that consideration of the complaint must be completed within 6 months. To ensure a consistent approach to complaint handling, the council has adopted 15 working days as a standard response time. However, this is flexible to accommodate the individual circumstances of the complaint and can be extended where the complaint requires in depth investigation.
- 4.5 At the conclusion of the first stage of the complaints procedure, the complainant is advised of their right to refer the complaint to the LGSCO. Where further information or clarification would assist to resolve the complaint, a second response can be provided before referral to the LGSCO.
- 4.6 To help identify service improvements, comments, suggestions and concerns are welcomed from people who do not wish to make a formal complaint. Compliments are also a valuable source of feedback and highlight the strengths of the service.

5. Awareness and accessibility

- 5.1 **Raising awareness** – information about making a complaint is available on the council's website with links to an on-line complaint form and the adult social care webpages. The complaints procedure is also promoted by organisations such as Healthwatch.

Translation and interpretation services are available on request.

- 5.2 **Advocacy Support** – Advocacy support for complainants is provided by POhWER Advocacy Services and for those who meet the criteria, assistance is available to understand the complaints procedure, submit a complaint, attend a meeting and understand the complaint outcome.

Feedback indicates advocacy can help the complainant to achieve a better outcome and increase confidence to pursue a complaint in future. Take up of advocacy services is currently low; during 2024 – 25, three complainants used an advocate from POhWER and three complainants were assisted by an advocate they sourced themselves. The Complaints Team is exploring ways to improve referral rates.

- 5.3 **Making a complaint** – complaints do not have to be made in writing; however, most are now received via email. Complainants are encouraged to use the online form on the website as this prompts them to provide the information needed to acknowledge and log their complaint without delay.

Letter	Email	Website	Telephone	Complaint Form
4%	76%	10%	7%	3%

- 5.4 **Assessing the accessibility of the procedure** – to learn more about who is accessing the complaints procedure, the demographic of the service users making a complaint or having a complaint made on their behalf is considered to ensure it is promoted widely. The information is gathered at first point of contact or is taken from the service user record.

The information is used for monitoring purposes only and is not shared along with the complaint details.

Age	
Under 25	2%
25 – 34	6%
35 - 44	8%
45 - 54	11%
55+	36%
Not known/ given	37%
Ethnicity	
Any other mixed background	0%
Not known/not stated	61%%
White British	39%
Gender	
Female	56%
Male	44%
Not known/given	0
View of disability	
Disabled	5%
Not disabled	7%
Prefer not to say	1%
No information available	87%

Complainants logging their complaint on the website are asked whether they require any reasonable adjustments when making the complaint.

6. Overview of complaints data 2024 – 25

- 6.1 The table below provides a summary of the complaints recorded in 2024 - 25 compared to previous years. There was an 100% increase in the number of complaints received compared with the previous year. The number of initial complaints received increased from 39 complaint in 2023/4 to 85 in 2024/5; this was due to Adult Social Care being insourced to the Council from HCRG Care Group. Previously HCRG dealt with all initial complaints under their own procedures and

although the Council was notified and recorded these complaints, HCRG was using different criteria when recording complaints.

- 6.2 The figures also show a 75% increase in the number of referrals to the LGSCO. Section 7 provides more detail about these complaints.

Complaint type	Description	2020/ 21	2021/ 22	2022/ 23	2023/ 24	2024/ 25
Carried forward	Unresolved at the end of the previous year	10	11	5	4	3
Concern	Resolved without need for further investigation	2	1	1	1	2
Local Resolution	Statutory Complaints Response by the team/service manager	36	37	43	39	85
Independent investigation	Statutory Complaints Investigation by someone independent of the service	0	0	1	0	0
Corporate Procedure	Outside the scope of the statutory procedure. Dealt with under the Corporate Complaints Procedure	8	8	6	3	6
Referred to external provider or partner agency	Complaint dealt with by care home, support provider or home care agency	0	0	0	4	1
Local Government & Social Care Ombudsman	Assessment	1	2	3	2	4
	Investigation	1	2	2	2	3
Total complaints logged		58	61	61	55	104

- 6.3 The LGSCO publishes an Annual Review of Adult Social Care Complaints which uses the following categories to report on the outcomes of their investigations: Assessment and Care Planning, Charging, Safeguarding, Home Care and Residential Care. For consistency, the same categories are used in this report to provide an analysis of which areas of the service have received complaints in 2024-25.

Category	Number/% of new complaints received	Upheld (UH) or Partially Upheld (PUH)	Percentage of complaints upheld by the LGSCO
Assessment and care planning <i>includes all concerns about the quality of interactions with the social work teams including delays, outcome of assessments and quality of service delivery.</i>	37 (44%)	11 (32%)	75%
Charging <i>includes all issues relating to the assessed weekly charge and decisions about funding</i>	39 (46%)	13 (33%)	81%
Safeguarding <i>includes all complaints relating to safeguarding procedures. It excludes complaints which raise safeguarding concerns.</i>	3 (4%)	0	63%
Home Care <i>Includes all complaints about the quality of home care provision</i>	5 (6%)	1 (20%)	89%
Residential <i>Includes all complaints about the quality of residential care</i>	1 (2%)	1 (100%)	83%
Total	85 (100%)	26 (31%)	

6.4 Commentary

- **Complaint outcomes:** the likelihood of a complaint being upheld following an investigation by the LGSCO is significantly greater than for a complaint which is dealt with through the Council's internal procedures.
- **Charging:** the assessed charge and funding for services continues to be a significant issue for many people. Complaint issues vary but many relate to lack of timely information about the Charging Framework, disputes about the calculation of the assessed weekly charge, disputes relating to ownership of property and how this is considered in the assessment.
- **Assessment and Care Planning:** these complaints are also wide ranging including concerns about inadequate support being offered, the level of support being reduced following an assessment, delay in arranging services and communication with the service.
- **Home Care, Residential Care and Safeguarding:** The number of complaints about these service areas are all very low and no trends have been identified.

7. Complaints to the Local Government and Social Care Ombudsman (LGSCO)

- 7.1 The table below summarises the cases closed by the LGSCO in 2024 – 25. Two cases were brought forward from 2023 – 24 and two cases were carried forward into 2025 – 26.
- 7.2 Although the number of cases (7) is low there has been a 75% increase from the previous year in the number of new cases. However, the number of cases is in line with neighbouring comparator authorities: South Gloucestershire – 4 cases and North Somerset – 8.
- 7.2 The Council was found to be at fault in 3 cases and was required to make a financial remedy to the complainants in 2 cases totalling £550. Evidence was submitted to the LGSCO that all remedies had been completed.

Service Area	Complaint	Outcome
22 017 440 Residential Care – CRC Complaint received: January 2023 Referred to the LGSCO: May 2023	Miss Y complains about the care provided to her father when he was placed in the Council run care home Charlton House CRC. Specifically, she complains about <ul style="list-style-type: none"> • the actions of an Occupational Therapist, • her father's catheter care, • Urinary Tract Infection management; and • poor record keeping Miss Y says that Mr X did not receive an appropriate standard of care in his final months of life. She also says that she has been caused significant frustration and distress.	Upheld We found fault with the care Mr X received in a care home and some aspects of his hospital inpatient care. As a result, Mr X did not receive the care he was entitled to. Miss Y has also experienced distress and uncertainty. The Council agreed to apologise to Miss Y and agreed to make systemic improvements and pay a financial remedy.
23 019 700 Adult Social Care Complaint received: December 2023 Referred to the LGSCO: April 2024	Mrs X complained that following a review of her eligible care needs, the Council reduced her care package.	The LGSCO will not investigate this complaint about the Council's review of Mrs X's eligible care needs. This is because an investigation would be unlikely to find fault with the Council's actions.
24 002 922 Adult Social Care	Mrs B complained the Council: <ul style="list-style-type: none"> • wrongly recorded that she and Mrs C attended a meeting in July 2023, arranged by an Integrated 	Upheld – fault by the Council caused injustice to Mrs B. We upheld her complaint,

<p>Complaint received: April 2024</p> <p>Referred to the LGSCO: August 2024</p>	<p>Care Board (ICB). That meeting resolved that Mrs C was no longer entitled to receive NHS continuing healthcare (CHC) funding for her nursing care;</p> <ul style="list-style-type: none"> • did not explain why it arranged a subsequent meeting between Mrs B, Mrs C and a social worker in August 2023. Mrs B also said this did not follow national framework guidelines, relevant to decisions around CHC funding; • its social worker inappropriately pressured Mrs B and Mrs C to sign a declaration on a financial assessment form during the August 2023 meeting. 	<p>finding neither she nor her mother knew the reasons for that assessment. We also find the Council later provided wrong information in reply to a complaint. These faults caused injustice to Mrs B as distress.</p>
<p>24 006 464</p> <p>Adult Learning Disability</p> <p>Complaint received: May 2024</p> <p>Referred to the LGSCO: September 2024</p>	<p>Mr X complained about the Council's decision to reduce his care and support, including some night hours, despite medical advice. He said this caused him significant distress and he worries he might need assistance at times when there is no support present. He wanted the Council to reinstate his previous hours.</p>	<p>We will not investigate this complaint about a reduction in Mr X's care and support. There is insufficient evidence of fault in how the Council made its decision, so we cannot question the outcome.</p>
<p>24 001 607</p> <p>Adult Learning Disability</p> <p>Complaint received: October 2023</p> <p>Referred to the LGSCO: November 2024</p>	<p>Mrs X, complains the Council has failed to assess her sister's needs properly and has failed to get the deprivation of her liberty authorised.</p>	<p>Upheld: Fault causing injustice The Council has delayed in reviewing her sister's needs and in applying to have the deprivation of her liberty authorised. It also failed to ensure she received a consolidated response to all her concerns. The Council needs to apologise to Mrs X for the distress it has caused. It also needs to apply to the Court of Protection to have the deprivation of her sister's liberty authorised and take action to improve its services.</p>
<p>24 011 514</p> <p>Adult Social Care/Care Finance Team</p> <p>Complaint</p>	<p>Ms X complains about the Council's assessment of Mrs Y's care charges. She says the Council has included pension benefit payments in its financial assessment despite Mrs Y not being in receipt of these.</p>	<p>We will not investigate Ms X's complaint about the Council's assessment of Mrs Y's social care charges. There is not enough evidence of fault to justify an investigation.</p>

received: August 2024 Referred to the LGSCO: March 2025		
24 017 522 Adult Social Care Complaint received: December 2023 Referred to the LGSCO: March 2025	Ms X complains about a Council decision to withdraw her direct payments. She says the decision has led to a reduced quality of care which is impacting on her health and wellbeing. She wants the Council to reinstate her direct payments.	We will not investigate Ms X's complaint about the Council's decision to withdraw her direct payments. There is insufficient evidence of fault to warrant an investigation.

8. Overview of compliments 2024 - 25

- 8.1 Compliments provide valuable evidence about what works well within a service and can balance the negative impact of complaints. Examples of compliments received included:

The Annual Reviewing Service received 3 compliments:

"You made everything so much easier for me, the carers centre contacted me and got everything moving, such a huge relief on my part!"

The Hearing and Vision Service received 3 compliments

"C was very approachable. He shared some excellent information which will help me moving forward. Thank you".

Cleeve Court, the Social Care Assessment Service and the AMHP Team all also received compliments.

"Cleeve was mentioned as being really person centred and obviously has a really kind and empathetic approach. Thanks to you and your staff for creating this culture".

9. Learning from complaints

- 9.1 The guidance for dealing with complaints in adult social care 'Listening, Responding, Improving' places emphasis on the service learning from complaints and feedback to ensure continuous service improvement.

'Listening to feedback about your services can uncover new ideas to help improve the way in which you do things. This is increasingly important in health and social care'.

- 9.2 Learning is largely derived from complaints which have been upheld; however, service improvement can also be identified from complaints which have not been upheld.
- 9.3 Actions that were identified to remedy complaints or prevent similar errors occurring in the future included:
- Complaint issue: that information was not given about the full cost of a residential placement to the service users/their families before the placement was agreed which resulted in difficulties with them funding the placement.
Action: Social work teams to be made aware of correct procedures to ensure the full cost of a care home placement is communicated to service users and their families before it is agreed.
 - Complaint issue: that inaccurate information was given to the service users POA's about Section 117.
Action: although it was recognised this is a complicated area of law, it was agreed that a learning event would be delivered to ensure social workers have a rudimentary understanding of the law to avoid misleading information being given in future.
 - Complaint issue: the increase in the assessed weekly charge was unreasonable following an increase in benefits.
Action: it was found that the service user had a positive CHC outcome during the year; this was not recorded on the system and therefore was not considered during the annual review of the assessed charge. The debt that accrued was for the CCG to pay and not the service user.
In response, all positive CHC outcomes for the past year were to be reviewed to ensure they were accurately recorded on the system.

10. Responding to complaints

- 10.1 The complaint regulations do not specify a timescale for responding to a complaint; to ensure consistency the Council has therefore set 15 working days as the local standard response time. However, when agreeing the response time, factors such as the individual circumstances of the complainant, including any current risk factors, and the complexities of the complaint are considered. In some circumstances, the timescale is extended to 25 working days.
- 10.2 In 2024 – 25, 92% of complaints received a response within the agreed timescale. This has improved from 75% in the previous year. It was also noted that only 2 complaint responses were more than 2 working days over the agreed timescale.

11. MP and Councillor enquiries

- 11.1 The Complaints and Data Protection Team coordinates the response to all MP and Councillor enquiries relating to individual service users.

Enquiries are recorded and monitored in the same way as complaints and the response time is also 15 working days.

- 11.2 During 2024 - 2025, 8 enquiries were received. The issues raised are very similar to those raised under the Complaints Procedure and in almost 50% of cases, the complainant raised a complaint as well as contacting their MP or local councillor.

12. Objectives for 2025 – 26

- 12.1 Based on the review of the management of complaints and feedback as outlined in this report, the following objectives have been identified for the Complaints Team for 2025 – 26:

- Improved monitoring to provide more reliable data about who is accessing the procedure and identify whether more can be done to make the process accessible to those who are underrepresented.
- Ensuring complainants are aware of the advocacy service and how to access it.
- Improved signposting to the complaints procedure on the website and through services such as the CRC's.
- Working with Adult Social Care to improve the mechanisms to capture and share the learning from complaints.

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October 2025