

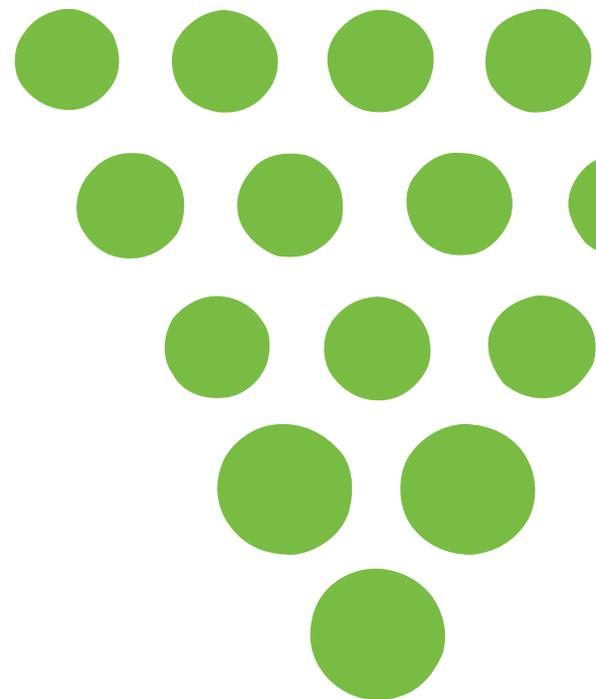


# Adult Social Care Annual Report 2019/20

Compliments, Comments and Complaints

24/09/2020 Version 1.0

Information Governance and Feedback



# Adult Social Care Annual Report 2019/20

## Compliments, Comments and Complaints

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## Executive Summary

A revised Adult Social Care complaints policy was implemented from 1 October 2018 providing a one stage complaint investigation with oversight by the relevant Head of Service. Prior to October 2018 the Adult Social Care complaints policy detailed a two-stage complaint process, the second stage being undertaken by an independent officer.

During this reporting period, a total of 65 complaints were closed, compared with 78 in the year ending 31 March 2018. This represents a 17% decrease in complaints compared to the year ending 31 March 2019. This report highlights a higher number of complaints being closed within the Adult Care and Support – Mid teams even after the higher population number, population of individuals in receipt of a service, and the number of informal resolutions is taken into account.

- During the reporting period 100% of all complaints were responded to within the timescale agreed with the customer.
- The main themes of complaints were lack of information (31), and Lack of Service or a response (10).
- The outcomes were that 36 (55.38%) were upheld, 14 (21.53%) were partially upheld, 14 (21.53%) were not upheld and the remaining 1 (1.53%) reached a no finding conclusion.
- £11,060 was paid out in reimbursement.
- During 2019/20 50 (76.92%) of all complaints were upheld or partially upheld. Where this is the outcome the recording and reporting system expects Lessons Learned and Actions to be recorded following the complaint investigation and the Information Governance and Feedback Team monitor these.

A total of 26 Ombudsman final decisions were issued, 13 were upheld which represents 50% of the total being upheld. This is compared to 18 decisions in the year ending 31 March 2019, when 11 decisions (61.1%) were upheld. There has been a 44.4% increase in decisions issued since the last financial year, with a 11.1% decrease in the number of these decisions being upheld against Cornwall Council Adult Social Care.

- Payment was awarded by the Ombudsman regarding five cases where the finding was 'Upheld – Maladministration and Injustice', totalling £2,900.00.

We have recognised the need to do better at capturing lessons learned and applying those across Adult Social Care in a more systematic way. We are currently making plans on how to do this and will continue to make it a priority for 2020/21.

## Introduction

Local Authorities have a statutory duty to publish an Annual report in respect of Social Care Complaints. The purpose of this report is to ensure complaints information for the Adult Social Care Directorate is available to the public, Members of Cornwall Council and Staff.

The report is an indication of the importance of feedback from service users and their representatives on the Directorate's performance. Through monitoring and evaluating complaints and compliments, the Directorate's Leadership Team gains information on the services that are delivered to a good standard and those that need improvement. The Directorate can then instigate changes to policies, procedures and practices as a result of the learning recorded from Feedback.

This report relates to the full year 1 April 2019 to 31 March 2020 and relates to statutory complaints closed by the directorate and contains details regarding the number and type of complaints received by the service including timescales and outcomes and where appropriate any service improvement identified.

It evidences how information from complaints contributes to practice development and service improvement.

A revised Adult Social Care complaints policy was implemented from 1 October 2018 providing a one stage complaint investigation with oversight by the relevant Head of Service – the legislation allows us to be flexible in dealing with complaints – they do not prescribe specific timescales or method of resolution as long as we agree a complaint resolution plan at the outset.

The Ombudsman produces an Annual Report and this can be found at:

<http://www.lgo.org.uk/information-centre/councils-performance/council/Cornwall%20Council>

We believe that Compliments and Comments are also important elements of feedback and we have included these in this report.

# Adult Social Care Complaints

## Overview

This report provides information about the feedback received by the Adult Social Care directorate during 2019/20.

The Local Authority has a duty to ensure that any individual (or appropriate person acting on their behalf) who wishes to make a complaint about the actions, decisions or apparent failings of a local authorities' social care provision have access to the appropriate Adult Social Care statutory complaints procedure.

Adults Social Care services complaints are governed by The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. This legislation allows us to be flexible in dealing with complaints – they do not prescribe specific timescales or method of resolution as long as we agree a complaint resolution plan at the outset.

A revised Adult Social Care complaints policy was implemented from 1 October 2018 providing a one stage complaint investigation with oversight by the relevant Head of Service.

When people have concerns we listen to them, and, where possible, will negotiate and agree a way forward to resolve the concern. We deal with complaints in a fair and transparent way, treating those who make them with courtesy and respect. We encourage compliments and comments as well as complaints, as part of our commitment to continuous learning and improvement.

Our directorate procedure is in line with the statutory requirements and allows managers dealing with complaints to take a flexible and personalised approach. The complainant is put at the centre of the process and is expected to contribute to a complaint resolution plan which sets out the nature of their concerns, what the complainant would like to happen as a desired outcome, and how long the complaint investigation is likely to last.

The Head of Service will oversee the complaint investigation or actions agreed and will sign-off the complaint once everything possible has been done to resolve it.

Prior to October 2018 the Adult Social Care complaints policy detailed a two-stage complaint process, the second stage being undertaken by an independent officer.

Complaints which fall outside of the statutory social care regulations but relate to the services provided by Adult Social Care are addressed under the non-statutory Cornwall Council complaints procedure. These are reported in Cornwall Council's complaints report for 2019/20.

It should be noted that cases investigated by the Ombudsman may not have previously been considered by the council as a complainant retains the right to contact the Ombudsman at any time. However, before investigating a complaint the Ombudsman must normally be satisfied that the council has had an opportunity to investigate and to reply.

The Ombudsman will consider complaints against Charging Assessment that have not been considered under the complaints policy but have been through the relevant appeals route and these will therefore only be shown under the Ombudsman section of this report.

## Overview for 2019/2020

A total of 65 complaints about adult social care were resolved in 2019/20.

Number of formal complaints closed 2019-20			
	Option 1	Option 2	Ombudsman
2013-2014	89	12	4
2014-2015	94	36	8
2015-2016	86	3	10
2016-2017	113	8	17
2017-2018	66	5	9
2018-2019	78	1*	18
2019-2020	65	Not applicable	26

\*For the period 1 April 2018 to 30 September 2018, the Adult Social Care complaints policy detailed a two-stage complaint process. From 1 October 2018 the implemented Adult Social Care complaints policy does not have an Option 2.

During this reporting period, a total of 65 complaints were closed, compared with 78 in the year ending 31 March 2019. This represents a 17% decrease in complaints compared to the year ending 31 March 2019.

During this reporting period, a total of 26 Ombudsman final decisions were issued, compared with 18 in the year ending 31 March 2019 which represents a 44% increase in decisions issued. This will be detailed further into this report.

It should be noted that an individual can make more than one complaint, as long as the subject matter of each complaint differs, numbers of complaints presented in the table above relate to the number of complaints rather than number of individual complainants. And the numbers of complaints closed up to 31 March in the reporting year.

Two of the 65 complaints received were investigated under the Multiagency Protocol with health. This protocol provides a framework for the effective management of complaints involving organisations across health and social care. It is complimentary to each organisation's complaint policy and

procedures and does not define how complaints are managed by each individual organisation. It does however promote better joint working to ensure complaints can be resolved efficiently and within as timely a manner as possible. The protocol details a shared approach to consent that removes the need to delay investigations while people sign multiple consent forms across health and social care.

However, we are clear that complaint volumes alone do not tell us enough about the quality of services, or people's experience of them. Rising numbers of complaints may be a positive by-product of people feeling able to speak up and raise concerns because the council demonstrates to them a willingness to listen and learn from feedback.

The complaints by service area are outlined below.

Complaints closed 2019-20 by Service Area and Theme							
Service Area	Actions of Staff/ Conduct	Cost of Service	Lack of Service/ response	Lack of Information	Delay/ Failure	Quality	Total
Adult Care and Support - Mid	2		4	9	5	2	22
Adult Care and Support - East		1	3	6	1	1	12
Adult Care and Support - West	1		1	3		2	7
Adult Care and Support – Hospitals and Access	1	1		3		1	6
Provider Services			1	2			3
Charging Technical				4	1		5
Direct Payments				1	1		2
Brokerage		1					1
Commissioning				2			2
Independent commissioned	1					1	2
Practice Quality Assurance and Safeguarding			1	1		1	3
<b>Total</b>	<b>5</b>	<b>3</b>	<b>10</b>	<b>31</b>	<b>8</b>	<b>8</b>	<b>65</b>

Complaints closed by Adult Care and Support Area					
	Complaints Closed	Number of Service Users*	Complaints per 1,000	Population 18 yrs. + **	Complaints per 10,000
Adult Care and Support - Mid	22	3,997	5.55	186,866	1.18
Adult Care and Support - East	12	3,567	3.36	137,013	0.88
Adult Care and Support - West	7	3,576	1.96	132,320	0.53
Total	41	11,140		456,199	

\* These figures represent the number of service users who had an open commitment purchase order in the specified time period. They do not consider any individual awaiting a package of care.

\*\* Source: ONS, 2017 Mid-Year Small Area Population Estimates

Taking into consideration the higher population number and population individuals in receipt of a service, this does not provide reasoning for the higher number of complaints in the Adult Care and Support – Mid teams.

Figures for the number of complaints against each adult care and support area have only been recorded in this way since October 2018 and therefore we are unable to undertake a comparison with the previous full years' figure.

Informal Resolutions to Concerns closed by Service Area	
Adult Care and Support - Mid	42
Adult Care and Support - East	31
Adult Care and Support - West	36

Other	85
Total	194

Complaint volumes alone do not tell us enough about the social care landscape, the quality of services, or people's experience of them. Rising numbers of complaints may be a positive by-product of people feeling able to speak up and raise concerns because we demonstrate to them a willingness to listen and learn from feedback. Equally, the increase may be indicative of poorer quality care and experiences.

## Timescales

During the reporting period 2019-20 100% of all complaints were responded to within the timescale agreed with the customer.

It should be noted that The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 does not impose fixed timescales for responding to complaints, as the complaint should be investigated in accordance with the complainant's timescales. However, it is usually reasonable to expect a complaint investigation to be completed in line with those for other social care complaints and this is reflected in the current Adult Social Care complaints policy - complaints should be responded to within 20 working days. A longer timescale, if required, can be negotiated with the Complainant, by the investigating office, up to a maximum of 65 working days.

Since 1 October 2018 complaints should be responded to within 20 working days. A longer timescale, if required, can be negotiated with the Complainant, by the investigating officer, up to a maximum of 65 working days.

Complaints closed	
Cases responded to within 20 working days	2
Cases responded to outside of 20 working days and extended with agreement from the complainant	63
Cases responded to within agreed timescale	65
Average response time	24 days
Longest response time	50 days with agreement from customer

## Complaint Categories / Themes

The categories below give an overview of the types of complaints received for all complaint investigations					
	2015-16	2016-17	2017-18	2018-19	2019-20
Actions of staff/conduct	17	17	9	16	5
Cost of service	3	3	0	0	3
Delay Failure	23	31	11	28	8
Lack of information	9	16	18	27	31
Lack of service/responses	5	15	5	5	10
Quality	25	27	15	2	8
Dissatisfaction with policies	4	4	4	0	0
Bullying / Harassment	1	0	1	0	0
Human Error	2	0	0	0	0
Not categorised	0	8	3	0	0

## Complaints Outcomes

During 2019/20 50 (76.92%) of all complaints were upheld or partially upheld. Where this is the outcome the recording and reporting system expects Lessons Learned and Actions to be recorded following the complaint investigation and the Information Governance and Feedback Team monitor these.

Of the complaints completed within the reporting period the outcomes were that 36 (55.38%) were upheld, 14 (21.53%) were partially upheld, 14 (21.53%) were not upheld and the remaining 1 (1.53%%) reached a no finding conclusion.

Complaint findings by service area are detailed below:

Complaints closed 2019-20 by Service Area and Finding					
Service Area	Upheld	Partially Upheld	No Finding	Not Upheld	Total
Adult Care and Support - Mid	11	1	7	1	20
Adult Care and Support - East	4	6	1	0	11
Adult Care and Support - West	3	3	1	0	7
Hospitals and Access	3	2	2	0	7
Provider Services	2	0	0	0	2
Charging Technical	3	1	0	0	4
Direct Payments	3	0	0	0	3
Brokerage	1	0	0	0	1
Commissioning	1	1	1	0	3
Independent commissioned	2	0	2	0	4
Quality Assurance and Improvement	3	0	0	0	3
<b>Total</b>	<b>36</b>	<b>14</b>	<b>14</b>	<b>1</b>	<b>65</b>

## Reimbursement and payments

Reimbursement and payments		
Reference	Amount	Why we paid it
19006457	£1,800	The complaint related to the way in which we handled a safeguarding concern raised regarding the complainant's tenant. We reimbursed the complaint for the injustice and financial loss suffered by the complainant
18001602	£10,260	We paid this amount to reimburse the individual for care between November 2015 and September 2016 after cancelling the individual's direct payment.
Total	£11,060	

## Who raised the complaint?

14 of the 65 complaints came from Service Users, with 51 from representatives, ranging from family members to solicitors.

## Complaints by Channel

Complaint Channel	
Channel	Number
Email	45
Phone	10
Letter	10

## Complaints referred to the Local Government and Social Care Ombudsman (LGSCO)

Final Decisions issued by the Ombudsman			
Outcome	2017-18	2018-19	2019-20
Closed after initial enquiries – no further action	2	3	4
Closed after initial enquiries - out of jurisdiction	1	1	3
Referred back for local resolution	0	0	1
Upheld: maladministration and injustice	3	9	12
Upheld: maladministration and injustice, no further action, already remedied	0	0	1*
Upheld: maladministration, no injustice	0	2	0
Not upheld: no maladministration	3	3	4
Not upheld: no further action	0	0	1
<b>Total</b>	<b>9</b>	<b>18</b>	<b>26</b>

\*In this case the Ombudsman judged that they “will not start an investigation because the Council has provided a fair remedy. It has accepted there are lessons to learn and it will review its procedures. It has also offered a financial remedy.”

During this reporting period, a total of 26 Ombudsman final decisions were issued, 13 were upheld which represents 50% of the total being upheld. This is compared to 18 decisions in the year ending 31 March 2019, when 11 decisions (61.1%) were upheld. There has been a 44.4% increase in decisions issued since the last financial year, with a 11.1% decrease in the number of these decisions being upheld against Cornwall Council Adult Social Care.

Work has been undertaken during 2019-20 with the Standards Committee Working Group to look at the level of complaints and how these may be reduced; with the focus on:

1. Evidence of lessons learned, and the actions put in place to prevent reoccurrence from the 2018/19 upheld Ombudsman complaints;
2. Whether there are any trends in respect of those complaints from;

3. Any evidence of systems/programs put in place or being implemented in the future to assist with the service and to reduce the level of complaints going forward;
4. Evidence of things that are working well which may not have been in the past.

The outcomes from the work undertaken with the Standards Committee Working Group have been:

- Resolution of concerns to the customer's satisfaction being made at the earliest stage, these are now recorded and monitored.
- A complaint action (resolution) plan template in use for each complaint - each case was considered on its own merits depending on the complexity, severity and scope of investigation.
- Development of the revised Adult Social Care complaints policy and operating procedure.
- Consideration of complaints record keeping on the social care record.
- A greater focus on improving reporting, particularly around Lessons Learned from Complaints to develop service delivery.

The Ombudsman is clear that complaint volumes alone do not tell us enough about the social care landscape, the quality of services, or people's experience of them. Rising numbers of complaints may be a positive by-product of people feeling able to speak up and raise concerns because councils and care providers demonstrate to them a willingness to listen and learn from feedback. Equally, the increase may be indicative of poorer quality care and experiences.

Decisions issues by the Ombudsman can be viewed on the Ombudsman's website: <https://www.lgo.org.uk/decisions>

Reimbursement and payment		
Reference	Amount	Why we paid it
18013050	£800.00	£500.00 for the failure to carry out the review as previously agreed £300.00 to recognise the distress caused by the Councils delay.
17016634	£750.00	£600 to acknowledge the distress she has suffered because of the fault and £150 for the additional time and trouble she went through to pursue the complaint.
18016770	£250.00	For distress caused, time and trouble
19003073	£300.00	The payment reflects the distress the complainant suffered from the Council's failure to ensure continuity of care when she moved to Cornwall.
18016254	£800.00	A payment of £500 to remedy the lack of provision by the agency and the failures in the care. A payment of £300 for the delay in providing a suitable chair for the Service User to sit in
Total	£2,900	

Payment was awarded by the Ombudsmen regarding five cases where the finding was 'Upheld – Maladministration and Injustice', totalling £2,900.00. This is in comparison to payment being awarded for eight cases during 2018/19 totalling £29,836.04.

## Our Findings of LGSCO Upheld Complaints

Reference	Service Area and our Finding	Action We Took	Outcome	Recommendations
18013050	Direct Payments	This was not investigated as a formal complaint.	Not applicable	Not applicable
17016634	Practice, Quality Assurance and Safeguarding	We took no remedial action	Upheld	Not applicable
18016770	Charging Technical	This went through the Charging re-consideration and appeal process	Not applicable	Not applicable
18017085	Charging Technical	This went through the Charging re-consideration and appeal process	Not applicable	Not applicable
18007799	Charging Technical	This went through the Charging re-consideration and appeal process	Not applicable	Not applicable
18013351	Charging Technical	This went through the Charging re-consideration and appeal process	Not applicable	Not applicable
18019082	Charging Technical	This went through the Charging re-consideration and appeal process	Not applicable	Not applicable
18018350	Adult Care and Support West	Payments that had not previously been sent up were set up whilst the complaint process was ongoing	Upheld	<ul style="list-style-type: none"> <li>• There is a need to ensure that there is effective communication with all parties.</li> <li>• There is a need to</li> </ul>

				<p>communicate with individuals and the individuals involved in their lives.</p> <ul style="list-style-type: none"> <li>• When relationships deteriorate there is a need to have face to face meetings to clarify the situation and expectations from all parties.</li> </ul>
19006457	Adult Care and Support Mid	This did not go through the formal complaints process initially, an internal investigation was undertaken	Not applicable	Not applicable
18001602	Direct Payments	This was not initially addressed a formal complaint	Not applicable	Not applicable
18016254	Adult Care and Support – East	Advice was been sought from Commissioning Managers with regards to the hourly rate and hours provided for a Direct Cash Payments to ensure that consistent advice can then be provided by assessors to customers and carers. Feedback has been provided to Senior Managers with regards to the lack of provision for Care in the Community within the area for customers with eligible social care needs.	Partially Upheld	None
19010309	Charging	We have ensured that staff in Adult Social Care	Upheld	With the introduction of

	Technical	make it clear what is daily support and what is included in an emergency plan and we will ensure this is highlighted in team meetings and individual supervisions where relevant. The monthly supervision sessions that Assessment Officers have with their Team Leaders now emphasise the need for care and accuracy to avoid clerical errors.		gross payments from 8 April 2019 it should avoid a repetition of an error of this nature being made to the client contribution on the contract. The assessed client contribution is no longer included on the gross payment contract.
19003073	Direct Payments	We ensured that staff in Adult Social Care make it clear what is daily support and what is included in an emergency plan and ensured this is highlighted in team meetings and individual supervisions where relevant.	Partially Upheld	None

There are no cases to note where our complaint investigation did not uphold the complaint, where the Ombudsman did uphold the complaint.

The Ombudsman identified in their Annual Review of Adult Social Care Complaints for 2017-18 that sharing the learning from complaints is an important focus and demonstrated how their remedies seek to improve services for others and prevent the same fault reoccurring. They encouraged all councils to consider the systems they have in place to ensure learning from complaints is shared locally. Since 2010, the number of complaints and enquiries received by the Ombudsman about adult social care continues to grow. The Ombudsman will always seek to make recommendations that prevent the same thing from happening to others. Rather than focus solely on complaint volumes, they choose to focus on the outcomes of complaints investigated, and the value an investigation by them can add through the recommendations they make to remedy fault.

The Ombudsman makes recommendations to things right for the individual and improved services to others.

- Preventing injustice for many e.g. staff training, procedure change
- Remedying injustice for individuals e.g. apology, financial redress, provision of service

The Ombudsman identified in their Annual Review of Adult Social Care Complaints for 2018-19 that the number of complaints and enquiries received by the Ombudsman about adult social care continues to increase reflected in the fact that they had to carry out a higher proportion of detailed investigations than they did in the previous year. Their decisions showed another increase in upheld complaints from 43% of cases upheld in 2010 to 66% today, with nearly two thirds of their investigations finding faults in the system

The Ombudsman has recommended the following to improve adult social care service:

- **Commissioning care** - Councils should ensure they maintain oversight of outsourced contracts that deliver services on their behalf, including ensuring clarity about how complaints will be dealt with.
- **Charging for care** - Councils should be clear about what constitutes intermediate care and that they cannot charge for the first six weeks of intermediate care.
- **Assessment and care planning** - Councils cannot change care packages at short notice and without making proper assessments of need.
- **Complaint handling** - Care providers and councils should ensure they clearly inform people of their right to bring a complaint to the Ombudsman. The contact details for the Ombudsman should be clearly displayed in all care settings and in all complaints policies.

# Learning from Complaints

Lessons Learned from Complaint Investigations			
Reference and Service Area	You Said	What we did to remedy the injustice for the individual	What we did to prevent injustice for many
18016770 – Provider Services: Charging Team	The Council failed to properly deal with the financial assessment for a Service User	Following the Ombudsman’s decision, we paid financial redress to acknowledge the distress to the complainant, and time and trouble.	Upon considering whether there were actions we could take to ensure we are informed about the death of a home more quickly; it was felt that it was inappropriate to always expect care homes to know this information therefore there were no service improvements we could take.
101004472256 Adult Care and Support - Mid	There was a delay in completing a needs assessment, and a lack of communication.		Managers will be reminded of the importance of regularly reviewing the caseload of team members in the event of their extended or frequent short-term absence. This will ensure ongoing work is prioritised as appropriate and contact maintained with the individuals concerned. We will ensure that all Social Care Practitioners use a personalised answerphone message on their mobile phone which directs callers to the appropriate Customer Support Number to ensure contact can be made in their absence.

101004511675 Provider Services: Charging Team	It took us too long to carry out a financial assessment for an individual.		Remind staff of the importance of replying to emails in a timely manner. If unable to provide a full response immediately, should acknowledge receipt of the email or letter and provide an indication of when a full response will be issued.
101004559821 Commissioning & Adult Care and Support: Mid	Concerns were raised regarding the provider and delays in communication with ASC.	The provider ensured their training was up-to-date and sought advice regarding the specific needs of the individual.	We reminded staff of the importance of returning phone calls to Service Users and their family.
101004569909 Provider Services: Charging Technical	There was poor communication which led to delays in the financial assessment taking place	The Financial Assessment has been completed and an annual review agreed	Workers were reminded that they should communicate clearly regarding all decision making.
101004572877 Adult Care and Support: East	The Service User and Carer have not had reviews annually	Payment has been made for the personal budgets that were missed.	We were able to increase resources to focus on overdue reviews as a failure to undertake reviews annually presents a risk to the Council in terms of its statutory duties.
101004609552 Adult Care and Support: East	We did not contact the complainant when we said we would and delayed in returning calls. We refused to backdate funding to the initial date of contact in April 2018.	We backdated funding as the complainant did make initial contact in April 2018.	We reminded staff of the importance of keeping to deadlines as agreed with the individual, for example, calling back when a worker says they will. Where this is not possible, keep the individual informed, providing an indication of when the call will take place.

<p>101004689203 Adult Care and Support: West</p>	<p>Safeguarding conference progressed without speaking to the Service User or their relative. After a conversation with the Service User, in which they did not want a safeguarding conference to take place, we continued to arrange the conference.</p>	<p>Staff were asked to research the specific conditions of the individuals they work with, to give them more of an insight.</p>	<p>We should not have looked at the concerns under the safeguarding process, the concern should not have progressed to a safeguarding enquiry.</p>
<p>101004309439 Adult Care and Support: West</p>	<p>There was a lack of communication and information, a lack of a response regarding whether the individual's partner could be their PA under exceptional circumstances, and inconsistent advice given</p>		<p>Workers to be reminded to check what format people need written material to be provided in. Procedure for recording visual impairment on personal records will be checked and amended if necessary.</p> <p>Feedback to be given to Teams about the importance of not making people repeat their story</p> <p>We have learnt that people don't have enough information on paying for social care and we intend to create a leaflet</p> <p>Information provided on Direct Payments will be considered in the Review of Direct Payments Decisions regarding whether a person in the same household can be a PA under exceptional</p>

			circumstances need to be documented and communicated to people in a timely manner
101004376025 Adult Care and Support: West	That the Service User's assessment was not thorough enough and that they were denied access to a meeting. The Team also advised of a meeting and then relocated it.	We ensured a reassessment of the SU's needs took place	When meetings are arranged in meeting rooms outside of the Council accessibility should be verified
101004395796 Adult Care and Support: Mid	Potential delay in service for a transition from Children's to Adults. Also concern raised as Relative has been trying to make contact with the Social Worker and they haven't returned the calls.		That all staff within the team are aware of the cooperate message that should be on both e-mails and answer phones if they are out of the office and unable to respond to customers in a timely manner. The realignment and reallocation of transition customers in needs of an assessment and support plan to try and prevent further customers not receiving the Adult Service that is required to meet their eligible needs.
101004414408 Adult Care and Support: West	Service User was given notice. Concerns which relate to the manner in which a decision was		Responsibility of the Social Worker to alert Deprivations of Liberty (DoLS) team to change of placement, preferably in advance of move taking place.

	reached by the Social Worker to move and the lack of both relative and involved professional's, involvement. Concern that this placement is not appropriate.		Consideration to whether we should provide draft Care and Support Plans to individuals/families prior to move taking place.
101004360143 Adult Care and Support: East	There is a lack of clarity surrounding the amount paid to the PA to provide respite		We acknowledge that our communication in this matter could have been clearer and we will try to improve our approach in future
101004461062 Provider Services: Direct Payments	Concerns regarding the setup of the Direct Payment for this service user		<p>It is acknowledged that the current Adult Social Care Direct Payments policy needs to be updated in line with the Care Act 2014 and the current Direct Payment regulations. The Directorate currently has a review of its Direct Payment Policy underway.</p> <p>Communication around Direct Payments needs to be clear and consistent. Reviews should take place regularly to ensure there is compliance with the way they should be administered and to avoid confusion. This matter is also currently under consideration within the Directorate's review of its Direct Payments Policy and procedure.</p>

101004430218 Adult Care and Support: Hospitals Team	Complainant says that the way their relative was dealt with by Adult Social Care between May 2018 and 20 June 2018 was not acceptable.		<p>In considering the complaint, in the future, complex cases will be managed from the outset by the Principal Social Worker. To facilitate this, we have recently strengthened the management oversight across the Social Care Teams, including Derriford</p> <p>In the context of operating in an acute hospital it is preferable that a number of options for onward care are considered before determining the home. Contingency planning needs to be considered and put in place if the initial placement starts to breakdown.</p> <p>We have recently strengthened the management oversight across the Social Care Teams, including Derriford. Complex cases will be managed from the outset by the Principal Social Worker.</p>
17016634 Practice, Quality Assurance and Safeguarding	Upheld due to the time it took to respond to a safeguarding alert and about safeguarding meetings being arranged without the complainant being notified.		Ensure that all staff involved in safeguarding investigations are reminded of the Council's own safeguarding policies.
101004465825 Adult and Support: Mid	Delays with transition for getting plans signed off.		Through Team meetings, clarification will be discussed with relevant staff regarding what

	Confusion over what an adult Direct Payment will pay for. Delay and lack of communication from staff.		<p>Direct Payments can be used for.</p> <p>A discussion is to be had at a Management level in regard to support for staff regarding transition from Children's Services to Adult Social Care and what information is provided to enable clear and accurate information is provided to families.</p> <p>Adult Social Care are currently reviewing Direct Payment policies and processes so that staff and families are clear on what Direct Payments can be used for.</p>
101004479024 Adult Care and Support: Hospitals Team	Relative concerned about the Social Worker from the Team. They do not feel Service User and family were given enough time or space to work through discharge. Consideration was not given to moving home and Worker was not professional.		As part of the local induction training of new staff we will ensure the importance of them explaining their Social Worker role to families at all stages of care is clear.
101004475951 Provider Services: Charging Team	The Service User was financially assessed to determine client contribution. A new contract was completed		<p>A training issue a reminder will be given about care being taken and accuracy at a monthly team brief.</p> <p>With the introduction of gross payments from 8 April 2019 it should avoid a repetition of an error</p>

	with the wrong client contribution. Relative now disagrees with having to pay the shortfall as it took 8 months to find the error.		of this nature being made to the client contribution on the contract. The assessed client contribution is no longer included on the gross payment contract. The monthly supervision sessions that Assessment Officers have with their Team Leaders will emphasise the need for care and accuracy to avoid clerical errors.
101004474134 Practice, Quality assurance and safeguarding			The important of keeping the family informed if the care provider gives notice. The need to improve timeliness of sending care plans to families.
101004480114 Adult Care and Support: East	Concerns that number of visits had been cut for Austerity reasons. That the communication with the family had been poor. That the agency did not have the care plan.	A review has been arranged for the individual, including input from the care agency.	That the service continues to ensure effective communication.
101004480930 Adult Care and Support: East	Delays with communication. Agency not responding to concerns. Visits not happening when they should be.		Manager will remind locality team members to ensure that 'out of office' notifications are added to their email accounts when they are not present. This notification should include information on who else to contact if there is an emergency. This will also be shared with the

			<p>Managers in the other localities to ensure coverage of this lesson.</p> <p>Four Seasons to look into any issues with their phone system.</p> <p>All staff are reminded not to swap personal mobile phone numbers with Service Users.</p> <p>All changes to visits to be directed through the main office</p> <p>Service users are reminded that the weekly rota is available.</p>
101004498368 Adult Care and Support: East	Lack of communication from the service. That there is difficulty finding a respite placement for the Service User.		<p>When a service user or carer expects regular communication, we should negotiate realistic expectations e.g. we cannot always call back same day, we will not be able to phone on a weekly basis, use of Duty worker as a contact point.</p> <p>A reminder will be sent to staff to ensure families are aware of the frequency and method of communication between the department and themselves.</p>
18017085 Provider Services: Charging Team	Complaint about the way we handled a Service User's financial assessment and our decision that they had deprived herself of assets.		<p>The Council is to provide applicants with approximate timescales for the completion of financial assessments. This is good practice and will help to manage expectations.</p>

18007799 Provider Services: Direct Payments	There was fault in the way we assessed the Service User's needs for care and support and in the way we decided we did not have to provide her with support.	The Council has agreed to apologise to the family, carry out a financial assessment of Ms B and, depending on the outcome of the assessment, repay Ms B's estate any money it owes.	Ensure the relevant staff are aware of the Council's duties towards people with no recourse to public funding and provide further training if necessary.
101004485194 Adult Care and Support: Mid and Provider Services: Direct Payments	Relative concerned about the way their family member has been treated by Adult Social Care in regard to the struggle they were having managing their Direct payment. This includes concern that reviews were not happening often enough and now they have a large bill. An element regarding how the Service User was treated by some social workers.		Wherever it is possible, the same worker should conclude an assessment or review so as to ensure continuity. Where a hand over is required, staff should receive a brief from the team manager or previous worker, so as to ensure key points are carried forward. Families should be kept informed of changes in staffing which might impact upon the timeliness of a piece of work We are reviewing the provision of Direct Payments in Adult Social Care and we will ensure that your feedback is used to shape our practice in future and to avoid a repetition of this issue.
101004503252 Adult Care and Support: Mid	Complaint relates to 1. The amount of time taken to find a placement for the SU		

	<p>since the needs assessment in December 2018</p> <p>2. A visit arranged for a placement that was shut down 6 months prior – why was no-one aware?</p> <p>3. 2 male workers visited the SU out of hours. From the email below it looks as though both the Service User and Husband were unaware that this visit would take place. Male workers trigger anxiety for the Service User and Relative would like it noted on the Service User's file that she prefers female workers.</p>		
101004526279 Adult Care and Support - Mid	This complaint relates to a lack of communication from the service following a request for a Financial Assessment		<p>The need to review how all contacts are recorded on the client record.</p> <p>The need to review e-mail communication between teams.</p>

<p>101004511675 Provider Services: Charging Team</p>	<p>It took over 4 years to complete a financial assessment for [Service User]. It should have been the responsibility of the Council to ensure that the assessment was carried out and if there was an issue obtaining the information required, then should it have been raised as a safeguarding concern if finances were not being managed in their best interest.</p>		<p>We will consider whether we can set up an auto response on the team inbox to acknowledge receipt of an email and provide an indication of when to expect a reply.</p>
<p>101004510568 Provider Services: Direct Payments</p>	<p>The Direct Payment Review was not handled appropriately and that reviews are not carried in a timely manner</p>		<p>Direct Payment financial reviews should take place in line with policy</p>
<p>101004562081 Adult Care and Support: Mid</p>	<p>Inaccuracies in minutes taken at a meeting to discuss the service user and the length of time (3 months) it took to circulate minutes.</p>		<p>That within a meeting it is important for the Chair to confirm that all attendees understand the relevant process and purpose of the meeting, attendee's role within the meeting, and that attendees are given the opportunity to ask for any personal requirements to be taken into</p>

			<p>consideration.</p> <p>That the Chair clearly identifies in the meeting any attendees who hold decision-making authority for the individual to whom the meeting relates and is able to convey the implications of such.</p> <p>The importance of the Chair agreeing with attendees the distribution of meeting notes.</p> <p>The importance of notes of meetings being made available to attendees in a timely manner</p>
101004559821 Adult Care and Support: Mid and Commissioning	Concerns regarding provider. Concerns regarding communication with Adult Social Care. Would like to switch agency		<p>Clarification for care management staff on the role of commissioning.</p> <p>Clarification for care management staff on the process for changing providers.</p>
101004569909 Adult Care and Support: East and Provider Services: Charging Technical	Concerns covering Care Management and Charging to do with poor communication, lack of information and delay with regards to assessment and funding for Service User.		<p>It is important that financial information is communicated clearly, and families are given the opportunity to ask questions and get prompt responses.</p> <p>We need to review of the process for submitting a financial assessment request.</p> <p>We understand that the mental capacity assessments and Best Interest processes can be confusing.</p>

101004572877 Adult Care and Support: East	Service User and Carer have not had reviews annually		To ensure that the annual Carer review action is not missed through worker error
101004580781 Adult Care and Support: East	Support plan elements not put in place. Lack of information to Home to support. Concern about Continuing Health Care.		To ensure that a procedure is followed where when a worker notes that support identified has not been put in place it should be raised and investigated, escalating to a manager where appropriate.
101004586505 Adult Care and Support: Mid	Delays in reviews for her to have respite. Delays in communications between the Service and herself. Agreed funding hasn't been paid. Panel should have heard and agreed but still waiting on results and confirmation.		When concerns are raised with the team these need to be responded to in a timely manner to ensure effective communication with customers and carers.  To ensure that in accordance with Legislation funding is sought when there is a dispute with Partner Agencies'
101004585696 Adult Care and Support: Mid	Concerns with behaviour and attitude and professionalism of the worker involved. Lack of support with transition.		Ensure that difficult conversations do not mean that effective communication is detrimentally affected Ensure that consent forms are understood by the assessor's in the team Difficult conversations training
101004580578 Adult Care and Support: East	Concerns in relation to the four times a day care package and the		Ensure that when commissioning services, that the provider/staff have the skills in meeting the needs of the individual

	management of this case by Adult Social Care		
101004604382 Provider Services: Tremorvah	<p>1. That the process and timeframe for replacement shower-chair, parts or servicing is lengthy.</p> <p>2. That you received Incorrect signposting regarding your shower-chair repair last week.</p> <p>3. That the phone manner of the person who called you on Friday afternoon was not in line with our Customer Promise.</p> <p>4. That there isn't a link between the information held by different teams.</p>		<p>Services need to focus on making the customer journey simpler wherever possible</p> <p>Staff need to take more responsibility for customer queries by speaking to other departments on their behalf (if possible) rather than giving the customer another number to call</p>
101004606169 Adult Care and Support: Hospitals	<p>Complainant believed that the service user should not be charged for her ongoing temporary stay at [care agency] whilst a package of care is being sourced.</p> <p>Conversations were not</p>		<p>That not all staff working in the Hospital Teams are consistently having full discussions with people in hospital and their relatives where appropriate, in respect of the financial implications of going into a temporary placement to wait for a care package.</p> <p>The requirement for them to document this</p>

	had with service user or complainant about hospital assessment processes and how a financial charge would be linked in with this.		conversation in all cases.
101004586567 Adult Care and Support: Hospitals	Concerns regarding the Brokerage team, Team Manager and the way her mother's case has been handled with regards to a new agency being found. Lack of information and communication, agency not turning up Concerns regarding the Brokerage team, Team Manager and the way her mother's case has been handled with regards to a new agency being found. Lack of information and communication, agency not turning up		A communication will be sent out to Senior Brokers to remind teams that all DPS providers are monitored by Quality and Assurance Team and registered with CQC and that this information can be shared with service users and families if they query it. A reminder to staff that when they are out of the office to use automatic reply function on emails with alternative, appropriate contact information.

101004597998 Hospitals Team	No emergency care put in place. - The daughter believes that case co, may know family personally and does not consider them qualified enough to deal with the concerns the case raises. Never received any formal updates, or referrals via email. She requests a full explanation and investigation.		Team Managers will reinforce the importance of proper introductions and explaining their role to all involved.
101004604852 Provider Services: Community Equipment Loan Store	Hospital agreed that specialist seating was required. We then carried out a needs assessment and a referral was put in for a chair to CELS. This was refused.		The Integrated Community Equipment Commissioner has been asked to provide Occupational Therapists with clear guidance on how equipment is provided within care homes. Funding for equipment such as chairs within care homes should be clearly explained.
101004623989 Adult Care and Support: Mid	A lack of empathy from nine professionals involved in a meeting		It is recognised that there is a need to keep people informed of delays in order to ensure they are kept up to date. This would have helped to manage any uncertainty as to how the complaint was progressing. The investigating officer is aware of this and accepts this as a point of learning.

101004631005 Adult Care and Support: East	1. There has been a lack of response between Feb - August 2019 from ASC 2. As informal Carer the Service User was not consulted.		Where a carer is reporting and demonstrating acute stress, separate consideration of their needs is required and this may require an independent or secondary support.
101004667040 Commissioning	Service User passed away over a year ago. 5 months before they passed away there had been a referral for a Carer's assessment. Carer has recently had a call from to discuss the referral. Carer was upset and cross regarding the apparent delay and was wanting to raise this as they feel there may be others experiencing this.		The Team will review the way the information is recorded to ensure a clear link between the carer and service user record to ensure that if a service user passes away that the information is updated regarding the carer to ensure a more sensitive approach to contact is delivered.
101004641055 Provider Services: Community Equipment Loan Store	Received uncooperative and poor service, that CELS records are inaccurate to what they believe is correct, that CELS has been insensitive to the matter at		To escalate matters sooner via complaints procedure when client needs cannot be met Do not manipulate records to appease Ensure sensitivity and accuracy when dealing with bereaved clients Ensure client requests for escalation are acted

	hand causing significant distress, that the request for a management review has been ignored and that CELS inaction has meant that valuable equipment has been unable to be recycled to meet the needs of other vulnerable clients.		upon
101004628825 Commissioning	Concerns regarding an equipment/ panel meeting that was held on the 24th July for her son and a request for a hoist. Unhappy about transition, the meeting, not being able to have a hoist, that the process is not streamlined or effective		The Panel are to put in place by 31 October 2019 a process flowchart and standardised letter to be used where an application has been declined. This will explain to the service user or their carer how the decision was reached, that applications can be resubmitted where additional information is available and that an appeals process exists and how it can be actioned.
101004637619 Provider Services: Charging Technical	We agreed to repay a Provider directly to alleviate a Service User of their bill. We did this however there was a delay in reaching the decision to		Cornwall Council Finance function needs to be a clear and transparent process for customers and staff to follow

	<p>repay. There was a shortfall in client contribution which the rep queried. No repayment plan was put in place for the payment</p>		
<p>101004666727 Provider Services: Direct Payments</p>	<p>Service User was not informed as to what his debt related to. The Council should have proper checks in place to review Direct Payments to ensure people do not get into Service User's position</p>		<p>As the processes within the Direct Payment are being reviewed, going forward, we will ensure that processes are accurate, staff are trained and processes adhered to. A quality assurance process will be embedded to monitor this. Current changes to the direct payment process will enhance understanding of the Direct Payment process internally and externally. Regular reviews in line with legislation will be undertaken and monitored.</p> <p>We will undertake a review of our process for communicating with customers relating to the recovery of funds</p>
<p>101004720026 Provider Services</p>	<p>No invoices were received for care as you have requested, and that you have been put to greater expense on her behalf in trying to rectify the situation</p>		<p>We will conduct a review of our letters and include wording to make sure it is clear to our customers that invoices will not automatically be issued.</p>

101004709577 Adult Care and Support: Mid	There has been a lack of communication from your Social Worker and lack of movement in arranging a package of care		Staff need to fully understand the importance of communication and keeping people updated of progress
101004726215 Adult Care and Support: Mid & Provider Services: Charging Team	Cornwall Council was not transparent when arranging interim funding arrangements and did not clearly explain that they are only in place until a financial assessment has taken place. Your letter dated 18 October 2018 was not responded to until 17 July 2019		Social Workers and social care staff to be aware of the potential financial and emotional impact that not providing adequate, clear and concise information on the charging framework has on the Service User and their families. All staff to be reminded of the importance of replying to correspondence in a timely manner and that an acknowledgement of the complaint should be sent immediately
101004688577 Adult Care and Support: Mid	Attitude of worker, communication with representative.		Widening use of assistive technology to make evidence-based decisions about a person's movement and safety care prior to deciding whether he/she needs a placement in care home settings where applicable. Review our decision-making process about permanent admission into care home.

101004756144 Adult Care and Support: Mid	Lack of appropriate provision, consistency of Social Workers visiting the individual.		<p>The need to improve the offer of personalised provision for adults with complex needs in Cornwall.</p> <p>To work collaboratively with key partners to develop more quality tailored accommodation with care for adults with eligible social care needs.</p> <p>To consider social work allocation to ensure consistency for individuals and their families.</p>
101004723847 Adult Care and Support: Mid	<p>Prior to taking on Ms H's care, the new provider asked for a Best Interest</p> <p>This meeting however this was declined and no reason for this communicated</p>		Improved multi-agency working with all key professionals when a change of care and support provider occurs.

## Lessons Learned from LGSCO Complaint Investigations

Reference	You Said	What we did to remedy the injustice for the individual	What we did to prevent injustice for many
19000974 Provider Services: Charging Technical	The solicitors complain about the Council's decision not to do a financial assessment and backdate funding for the Service User's residential care after she died. There is no evidence of fault by the Council affecting its decision. We cannot therefore criticise it.		If not carrying out a retrospective assessment is our stated policy, we don't make that point. If it is a policy position the Ombudsman can't investigate, however, having such a policy must be legal which means it must reflect Charging Regulations and Guidance (CRAG).
18018350 Adult Care and Support: Mid and safeguarding	The Council delayed completing a care plan of her assessed eligible needs and in making payments. There was delay by the Council in this case and although Ms Z's placement was secure due to the dedication of her carer, she did experience distress and anxiety as a result. A suitable remedy for the injustice cause by the fault in this case is agreed.		Ensure case notes are properly recorded and staff have adequate training to ensure this happens.

## Other Feedback

The Adult Social Care Complaints Policy implemented on 1 October 2018 specified consideration for the concerns raised to be responded to within the shortest timescale for the complainant, if the relevant Head of Service considers that the issues can be resolved by the end of the next working day to the person's satisfaction the response will be made in the most appropriate way to respond to the person. This is the end of the process and the concerns are not taken forward as a formal complaint.

Other Feedback responded to during 2019-20	
Feedback type	Count
Concerns which have been resolved informally to the complainant's satisfaction	194
Service requests	84
Signposting	64
Unreasonable Customer Behaviour contact	4
Member of Parliament enquiries	103
Cornwall Councillor enquiries	70
Director Mail enquiries	63
Total	582

# Training and Development

## Staff Induction

The Adult Social Care induction for all staff joining the service includes complaints as a topic covered. 65 members of staff attended the adult social care staff induction between 30 April and 27 September 2018. A further 52 members of staff attended the induction between 5 April and 4 June 2019. This equates to 12.3% of current staff members.

## In house Complaints Handling Training

56 members of staff attended over 10 sessions held across the County in June/July and September/October 2019.

The feedback from attendees was positive; giving staff the time to talk the process through and ask questions has been beneficial to them and gave an opportunity to see how the process works alongside the Service needs. Some of the feedback has indicated staff would like further workshop style sessions to cover practical skills with regards to completing the complaint cycle and developing resolution skills to enable complaints to be handled more effectively.

Further feedback from the sessions highlight that staff now feel more confident with the process, especially staff that are new to complaint investigations.

## Comments

A comment is an issue or view expressed by a customer, such as a suggestion on how we might improve our services or a request for further information or guidance. They provide invaluable feedback as to how customers perceive Council services, policies and actions of staff. Therefore, although these are not as formally dealt with as complaints, it is essential that these comments are fully evaluated and considered so as to ensure we are making any changes required to our provision, especially where common themes are established.

Number of Comments	
Year	Number
2015/16	9
2016/17	5
2017/18	8
2018/19	8
2019/20	4

## Compliments

The final strand of feedback received and just as important, is that of compliments. This allows us to recognise individuals and teams that have provided a great service and to understand and celebrate the things that the Council does well. Managers are reminded regularly about the importance of sharing compliments received with the Feedback Team. The compliments that are recorded highlight important areas of work that are being conducted well. Where good practice or practice that exceeds expectation is so warmly received, it is important to see whether any aspects of that work can be transferred to other areas.

Number of Compliments	
Year	Number
2015/16	128
2016/17*	40
2017/18	98
2018/19	151
2019/20	157

\*The decrease in compliments evidenced in 2016/17 is due to the transfer of

the Short Term Reablement and Planning Service (STEPS) outside of the adult social care service in October 2015.

<b>Compliments by Service Area</b>	
Service Area	Number
Adult Care and Support	110
Quality Assurance	0
Non-Statutory Adult Social Services	3
Charging	5
Provider Services	11
Brokerage	5
Direct Payments	3
Safeguarding	5
Commissioning	3
Business Support	4
<b>Total</b>	<b>157</b>

## Summary

The number of formal complaints received by the Directorate shows a small decrease compared to the previous financial year. However, with the introduction of revised complaint policy in October 2018 concerns are now addressed within as timely a manner as possible and therefore if concerns can be resolved in this manner to the complainant's satisfaction they will not progress to be recorded as a formal complaint. We recognise that the level of complaints can fluctuate when assessed monthly or quarterly (fluctuation can be caused by implementing new services or reduction of services).

Complaints investigated and decided upon by the Ombudsman during this reporting period have increased, but the number of final decisions being upheld against Cornwall Council Adult Social Care has fallen.

## What works well and what needs to improve in our complaints handling

We have revised our policies and procedures on how we respond to complaints about our Adult Social Care services. This has helped both the people we work with and our staff to be clearer about what should happen when there is a complaint. We have given staff support with how best to handle complaints. We believe that this has helped improve the quality of our responses.

By recording issues as complaints, it ensures that the person raising the complaint gets the additional rights and protections that the regulations allow. However, we now consider each concern received to establish if it can be resolved to the person's satisfaction in a more timely way. The timeliness of our responding to complaints has improved. None of our complaint investigations took anywhere close to the six months which is the expected limit in the regulations.

We have recognised the need to do better at capturing lessons learned and applying those across Adult Social Care in a more systematic way. We are currently making plans on how to do this and making it a priority for 2020/21.

## Planned Activity for 2020/2021

- Continuation of the Standards Committee Working Group to look at the level of complaints and how these may be reduced; with the continuous focus on evidencing lessons learned and the actions put in place to prevent reoccurrence of the Ombudsman's upheld complaints, whether there are any trends, and evidence of systems/programs put in place or being implemented in the future to assist with the service and to reduce the level of complaints going forward.
- The continued development of staff guidance and the delivery of training to services in the directorate in handling complaints;
- Improve our arrangements for monitoring that we put learning from complaints into practice - Preventing injustice for many e.g. staff training, procedure change, and Remedying injustice for individuals e.g. apology, provision of service;
- Embed the procedure for complaints about commissioned service providers and be able to report on these cases; by linking up contract monitoring and complaints against our commissioned providers;
- Continue to implement the MP, Members Enquiries and Director's Mail procedure so that all correspondence is received and coordinated by the Feedback Team and allocated to the correct procedure to respond to the subject matter in full and avoid duplication. Member Enquiries can then be reported in detail in the 2020/21 annual report as we will be linking Members Enquiries with complaints;
- Develop and refine plans to further actions already taken regarding complaint handling. To ensure that ensure we are responding appropriately, and to demonstrate that we are reacting a timely manner to put things right when they have gone wrong, and implementing service improvements for all customers;
- Generate discussions about complaints and complaint handling at locality and team meetings - feedback at training sessions has been that staff would appreciate short sessions during the agenda for team meetings to discuss complaints and raise awareness.

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Adult Care and Support

28 September 2020

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