

**22 March 2023**

**Agenda Item: 5**

**REPORT OF THE SERVICE DIRECTOR, AGEING WELL AND SERVICE  
IMPROVEMENT**

**RESPONSE LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN  
DECISIONS JUNE 2022 TO AUGUST 2022**

**Purpose of the Report**

1. The purpose of this report is to provide an update on the improvements made in Adult Care Financial Services (ACFS) in response to the Corporate review of complaints and the departmental review undertaken with the service.

**Information**

**Root cause analysis of Local Government and Social Care Ombudsman complaints**

2. A corporate review of complaints was requested through the Governance and Ethics Committee Chairman following consideration of complaints reviewed by the Local Government and Social Care Ombudsman's (LGSCO), the findings of which were presented to the Committee. Members wanted an analysis of the root cause of complaints to identify learning and recommendations to prevent repeated occurrences and assurance that the actions that had been proposed by departments to address complaints had been taken on board and implemented.
3. Between July and October 2022, Adult Social Care and Health (ASCH) have worked in collaboration with internal audit to identify the root causes of problems, including wider related issues to help identify suitable courses of action to be taken to resolve them. The root cause analysis has encompassed complaints made in the 6 months prior to or during the period of the ACFS diagnostic where financial matters were a feature.
4. Of complaints regarding communications, the highest proportion, 48% are linked to financial assessments and confirmation of contributions, so this is where improvement work was prioritised.

5. ACFS provide a key role in enabling the Council to meet people's care and support needs. The service work within complex national legislation that underpins assessment and review of the financial contributions that people should make towards the costs of their care.
6. Opportunities to improve the service had previously been identified and an independent review of the different functions of ACFS was already underway, covering policy, practice, communications, workforce, operating model / structure and the potential benefits of digital opportunities to make more effective use of the services resources.
7. The review focused on all aspects of ACFS and the interfaces with other teams and services within the Council. The review commenced on 9th May 2022 and the diagnostic was completed on 30th September 2022. The approach to the review included:
  - listening conversations with the workforce responsible for delivering services
  - root cause analysis of complaints in collaboration with internal audit
  - root cause analysis of Local Government Ombudsman complaints
  - analysis of waivers
  - secondary analysis of direct payment audits
  - workforce modelling as part of the Social Care Reform workstreams

### **Findings of the root cause analysis of complaints**

8. Delays, disputes, recurring issues, cause frustration and anxiety. These factors are key drivers of complaints, with the majority related to delays in the completion of financial assessments and confirmation of financial contributions.
9. Communication was noted as a key driver of complaints by the Governance and Ethics Committee. This, along with Case management and Quality Assurance are recurring themes within complaints.
10. In relation to communication the following were noted as drivers of complaints and were also given as examples by people with lived experience, including carers, of how communications could be improved:
  - Tone
  - Clarity
  - Opportunity to talk to someone
  - Capacity of the person to resolve the issues
  - Context of correspondence
  - Acknowledgement of correspondence
  - Persistence
  - Accessibility of written information

### **Initial response to the root cause analysis of complaints**

11. The initial priority was to improve the financial assessment process to reduce the time it takes to complete a financial assessment and inform people about the contribution they need to make. In this context the Council has procured the BetterCare Finance web-based financial assessment application which has been developed by Kirklees Council. The application will reduce administrative tasks, simplifying the annual review and uplift process and free up staff time to support people who need assistance to complete the assessment and discussion on

more complex issues such as Disability Related Expenditure. In turn this will help the Council to meet the current and future demand from people requiring a financial assessment and allow more assistance to be provided to people.

12. The Council also procured the benefit maximisation tool as an addition to the web-based financial assessment application so that people completing a financial assessment to identify what financial support they are eligible for in paying for the cost of their care and support will also be able to ensure they are accessing all their benefit entitlements and that their Disability Related Expenditure is considered.
13. Mobilisation commenced in September 2022 and the web-based financial assessment application will go live on the 1<sup>st</sup> April 2023. Following go live the application will be utilised for all new financial assessments. People who have previously had a financial assessment and who are entitled to care and support will be set up on the application as part of the 2022/23 annual review process.

### **Co-production**

14. A task and finish group was established to support the review made up of people with lived experience including carers. This group is called Improving ACFS for the Public and has been instrumental in shaping the approach and the subsequent actions to deliver improvement.
15. Members of the task and finish group are co-producing the forms within the web-based financial assessment application and supporting testing. The group also work together on guidance etc
16. In addition, members of the task and finish group developed a set of Communication Commitments which will be re-enforced through a series of guides and tip sheets for staff. Delivery will be monitored through the Quality Assurance Framework which will go live on 25<sup>th</sup> July 2023.

### **Communication Commitments**

- Be open and honest and acknowledge mistakes and issues.
  - Don't give up if you don't get an answer when you (the Council) call and leave a clear, simple message with your name and contact details.
  - Acknowledge receipt of contacts / email and calls and give a timeframe for providing a response.
  - Confirm receipt of information for example information provided for annual audits and disability related expenditure and communicate the outcome.
  - Ensure all standard letters and forms are in line with Nottinghamshire County Council policy and in plain English.
  - Ensure that telephone, email, and website communications are equally clear, use plain English and are available in other languages and formats.
  - Include a covering letter with Remittances, detailing / explaining reasons for any changes to figures.
  - Provide support to resolve queries outside of 9 a.m. – 5 p.m. Monday to Friday.
17. Principles on tone of voice, framing and style have been developed drawing on the work across the department relating to strengths-based approaches. These have been utilised to change a standard letter for each area of the service to serve as good examples in reviewing

the remaining 75 letters. This will be completed, in collaboration with the people with lived experience including carers by 30<sup>th</sup> May 2023.

18. The principles and examples given by people with lived experience including carers about what needs to change will also inform several short guides and tip sheets for staff. These have been completed for Caring Conversations, Strengths Based Communication and Learning from People with Lived Experienced. These will complement induction of staff into the new operating model.

### **Measuring impact**

19. A 28-day practice standard for completion of financial assessments will be used to measure the impact of the changes set out in paragraphs 11 – 14. Improvement will be tracked from the 58-day baseline following go live and the completion of a re-structure which will improve capacity in this area.

20. Increased assessment of disability related expenditure will be used to measure the impact of the changes set out in paragraph 19.

21. The impact of the work relating to communications will be measured through Listening Conversations, dip sampling of phone calls, observation of practice. This will be collated and analysed between October - November 2023.

### **Proposed work programme to address the issues identified in the root cause analysis**

22. In addition to the delay in the completion of financial assessment / communication of contribution the most common causal factors of complaints were:

- management / administrative burden of Direct Payments
- over reliance on manual tasks
- processes / practice that are not person centred
- workforce capacity
- transactional operating model

ASCH Senior Leadership Team has put in place the a work programme to address these issues during 2023 through modernising the approach to direct payments and simplifying the approach to charging for meals and transport, develop a digital roadmap aligned to the Council's digital strategy which builds on the improvements made to financial assessments so that time is released for staff to focus on more complex situations and review how the team operates to best deliver the new ways of working.

### **Statutory and Policy Implications**

23. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Data Protection and Information Governance**

24. The examples provided are anonymised, this report does not contain any details of people who made a complaint through the Council's own complaint process.

## **Financial Implications**

25. There are no direct financial implications arising from this report.

## **Implications for Service Users**

26. All of the complaints were made to the Council's through its own complaint process. Service users, have the right to approach the LGSCO once they have been through the Council's own complaint process.

## **RECOMMENDATIONS**

- 1) That members note the improvements delivered in response to the findings of the Local Government and Social Care Ombudsman and the actions planned in response to the findings.
- 2) That the Committee receive a further report in 12 months' time to review the impact of the measures introduced as a result of the review.

## **Sue Batty**

**Service Director, Community Services, Ageing Well and Service Improvement**

### **For any enquiries about this report please contact:**

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## **Constitutional Comments (HD (Standing))**

27. Governance & Ethics Committee is the appropriate body to consider the content of this report. If the Committee resolves that any actions are required, it must be satisfied that such actions are within the Committee's terms of reference.

## **Financial Comments (LCD 28/02/23)**

28. There are no direct financial implications arising from this report. Any specific changes that are proposed as a result of the programme of work will be covered in future papers for ASCH SLT approval.

## **Background Papers and Published Documents**

29. Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

## **Electoral Division(s) and Member(s) Affected**

All.