

HEALTH AND ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE



Report subject	Adult Social Care Consumer Relations Annual Report 2019/20
Meeting date	27 July 2020
Status	Public Report
Executive summary	<p>Adult Social Care has a statutory responsibility to produce an annual report on complaints received, issues that have been raised and any action that has been taken to improve services. Adult Social Care encourages feedback from a range of sources including complaints, compliments, comments, surveys, consultations and engagement to improve services.</p> <p>This report provides a summary of feedback and learning for BCP Council Adult Social Care from 1st April 2019 to 31st March 2020.</p>
Recommendations	<p>It is RECOMMENDED that the Committee:</p> <p>i) Consider and note the information contained in this and accompanying report.</p> <p>ii) Consider and note any actions or issues to consider for the Committee's Forward Plan</p>
Reason for recommendations	<p>Adult Social Care has a statutory responsibility under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 to report complaints and other representations about Health and Adult Social Care. Councils and NHS bodies are required to produce an annual report about complaints received, issues that have been raised and any action that has been taken to improve services.</p>

Portfolio Holder(s):	Cllr Lesley Dedman, Portfolio Holder for Adults and Health
Corporate Director	Jan Thurgood, Corporate Director, Adult Social Care
Report Author	Nicky Mitchell, Quality Assurance Team Manager
Wards	Council-wide
Classification	For Recommendation

1. Background

- 1.1 Adult Social Care has a statutory responsibility to produce an annual report under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 to report on complaints received, issues that have been raised and any action that has been taken to improve services.
- 1.2 This report provides a summary of the feedback and learning covering the period 1st April 2019 to 31st March 2020 included at Appendix 1.

2. Summary of key findings

- 2.1 This is the first Adult Social Care annual report on customer opinion and learning for BCP Council and therefore it has not been possible to provide bench-marking data for the local authority area as a whole. However to enable comparison, legacy authority and regional information has been included where appropriate.

- 2.2 In the 2019/20, the total number of complaints for BCP Council ASC was 178.

In 2018/19, the total number of complaints received for the Bournemouth, Dorset County Council for the Christchurch area and Poole legacy authorities totalled 187.

22 complainants referred their complaint to the Ombudsman for an independent review. The Ombudsman chose not to investigate 9 of the 22 referrals due to the either; a premature referral, the complainant did not have the authority to make the complaint, the length of time it had taken for the complainant to raise the referral or the Ombudsman felt that the council had already done all they could to rectify the situation and an investigation would not change the outcome.

- 2.3 Complaint themes highlighted communication and perceived standard of service and professional practice as being the most common concerns. Trends around finance and charging where also highlighted. Nationally the Local Government and Social

Care Ombudsman (LGSCO) reported assessment and planning, charging and safeguarding were their most common themes for complaint.

- 2.4 Organisational learning has been taken from customer feedback where possible. Details of learning from feedback can be found in the Annual Report at Appendix 6.
- 2.5 In total, **275** compliments and messages of thanks were received.
- 2.6 The statutory NHS Digital ASC users survey highlighted some areas for improvement particularly around information and advice and user satisfaction. Action plans are being put in place to look at how we can improve related services and in turn the measures, around these two areas.

3. Customer Feedback arrangements for Adult Social Care as BCP Council

- 3.1 Since BCP Council was formed in April 2019, work has progressed to align the 3 legacy Councils' complaint processes. The service now operates as one including contact details, day to day procedures and reporting. The final element is to align the complaints policies, which is currently being progressed.
- 3.2 Performance, statutory surveys and customer engagement are all now also aligned for Adult Social Care. This work along with complaints, feeds into a Quality Assurance and Standards Framework that allows the organisation to have a clear line of sight into how it is performing with the voice of the user being central to this work.

4. Summary of financial implications

- 4.1 Financial payments can be made as a result of a complaint if this redress is considered appropriate. Any costs in this respect are accepted as the responsibility of the Social Care service. Financial redress can be offered at any point within the process if relevant or can be recommended by the LGSCO. In 2019/20, a total of £350 was required to be waived from recommendations from the LGSCO.
- 4.2 There are costs of employing independent investigators for complaints however they are only used in exceptional circumstances. The use of any independent investigators is always agreed by the service prior to commencement.

5. Summary of legal implications

- 5.1 The statutory framework for complaints about adult services are:
 - the NHS and Community Care Act 1990

- the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

5.2 Alongside this, government guidance are also relevant including Getting the Best from Complaints (DfES 2006).

5.3 The guidance requires the complaints function for Social Care to be at 'arms length' from the operational delivery.

6. Summary of Human Resources Implications

6.1 Adjustments have been made to align the staffing structure across BCP to ensure robust complaints management arrangement is in place and Human Resource implication risks have been mitigated through the careful management of staff handover.

7 Summary of Sustainability Impact

7.1 New ways of working across the council in regard to flexible working from home, sustaining paperless business and system processes will have a positive impact on sustainability. The increase use of virtual engagement and communication with users cuts down on travel implications therefore reducing our carbon footprint.

8. Summary of Public Health Implications

8.1 Understanding the voice of the users and being a listening organisation can help us understand where improvements in services are needed to support the health and wellbeing of our residents.

7. Summary of equality implications

7.1 Many of the service users of adult services will be vulnerable, or from potentially disadvantaged groups. The complaints process is a vital part of the Council's quality assurance function to ensure all service users receive fair treatment and reasonable adjustments. Service users will have a very wide range of individual needs and backgrounds. All protected characteristics under equalities legislation may be relevant to complaints made to Adult Social Care Services and need to therefore considered fully when they are relevant to complaints.

7.2 The Complaints Service will ensure complainant's individual requirements are supported, for example through interpreting services or by advocacy services.

7. Summary of risk assessment

- 7.1 The Complaints Service manages complex, high risk complaints which if not effectively managed could result in scrutiny by the Local Government and Social Care Ombudsman, Central Government, CQC or through the courts via judicial review. The implications of this scrutiny could negatively affect the Council's reputation and result in major financial costs.
- 7.2 Practice issue complaints can include elements of safeguarding which require effective management and proactive action. The Complaints Service must be able to recognise these issues when they arise within a complaint context and action them appropriately.

Appendices

Appendix 1 – Customer Opinion and Organisational Learning in Adult Social Care – Poole Annual Report 2019/20