

# HEALTH AND ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE



Report subject	<b>Annual Compliments, Complaints and Comments report</b>
Meeting date	28 November 2022
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.</p> <p>This report provides a summary of complaints and compliments, including learning, for BCP Council Adult Social Care from 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>i) Committee consider and scrutinise the information contained in this report.</b></p> <p><b>ii) Committee consider any actions or issues for inclusion in the forward plan</b></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):	Councillor Karen Rampton People and Homes
Corporate Director	David Vitty – Director of Adult Social Care Services Phil Hornsby – Director of Commissioning for People
Report Authors	Nicky Mitchell – Quality Assurance Team Manager
Wards	Not applicable
Classification	For Recommendation

## 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 from BCP Council Adult Social Care annual report covering the period 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022 included at appendix 1.

## 2. Summary of Key Findings

- 2.1 In 2021/22 the total number of complaints for BCP Council Adult Social Care was 172.

In 2020/21 the total number of complaints received was 149. This number was significantly lower due to the impact of Covid-19 lockdowns on complaints numbers and this was a national picture.

16 complainants referred their complaint to the Local Government and Social Care Ombudsman (LGSCO) for an independent review. The Ombudsman chose not to investigate 7 of the 16 referrals due to 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.

- 2.2 Complaint themes highlighted communication, perceived standard of service and professional practise as being the most common concerns. Trends around finance and charging were also highlighted. Nationally the LGSCO reported assessment and planning, charging and safeguarding were their most common themes for complaint.

- 2.3 Organisational learning has been developed from customer feedback where possible. Details of learning from feedback can be found in the annual report at appendix 4.
- 2.4 By comparison, in total, **232** compliments and messages of thanks were received.
- 2.5 This year, a Quality Board has been developed to give governance to learning and quality assurance as a whole. This has meant complaint themes and learning are now triangulated with other quality assurance findings, performance measures and stakeholder feedback, allowing more evidence-based decisions to be made about how to improve services. The findings from other stakeholder feedback and engagement activity is being developed and this report focuses on compliments and complaints.

### **3. Summary of financial implications**

- 3.1 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 2021/22, and based on recommendations from the LGSCO, a total of £2000 was paid as financial redress. This was an increase from £1050 from 2020/21 and £700 in 2019/20. Again this rise in redress payments and recommendations has been seen by Councils across the country.
- 3.2 There are costs of employing independent investigators for complaints however they are only used in exceptional circumstances. The use of any independent investigators are always agreed by the service prior to commencement.

### **4. Summary of legal implications**

- 4.1 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.
- 4.2 Alongside this, government guidance are also relevant including Getting the Best from Complaints (DfES 2006).
- 4.3 The guidance requires the complaints function for Social Care to be at 'arms length' from the operational delivery.

### **5. Summary of human resources implications**

- 5.1 Not applicable

### **6. Summary of sustainability impact**

6.1 Not applicable

## **7. Summary of public health implications**

7.1 Not applicable

## **8. Summary of equality implications**

8.1 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.

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

## **9. Summary of risk assessment**

9.1 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.

9.2 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 – BCP Council, Compliments, Complaints and Comments Report Adult Social Care, 2022/22