

HEALTH AND ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE



Report subject	Adult Social Care – Compliments, Complaints and Learning Annual Report 2023/24
Meeting date	02 December 2024
Status	Public
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 1st April 2023 to 31st March 2024.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <ul style="list-style-type: none"> i) Committee consider and scrutinise the information contained in this report. ii) Committee consider any actions or issues for inclusion in the forward plan.
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 David Brown
Corporate Director	Betty Butlin – Director of Adult Social Care Zena Dighton – Interim Director of Commissioning for People Jillian Kay – Corporate Director of Wellbeing
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Wards	All
Classification	For Information

Background

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.
2. This report provides a summary of the feedback and learning from BCP Council Adult Social Care annual report covering the period 1st April 2023 to 31st March 2024 included at appendix 1.

Summary of Key Findings

3. In 2023/24 the total number of complaints for BCP Council Adult Social Care was 180. In 2022/23 the total number of complaints received was 196. 25 complainants referred their complaint to the Local Government and Social Care Ombudsman (LGSCO) for an independent review. The Ombudsman chose not to investigate 15 of the 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.
4. Complaint themes highlighted communication and perceived standard of service and professional practise as being the most common concerns. Trends around finance and charging were also highlighted however there was a drop in numbers of complaints around delays in providing services.

5. Organisational learning has been developed from customer feedback where possible. Details of learning from feedback can be found in the Organisational Learning report at appendix 4.
6. Additionally, **276** compliments and messages of thanks were received.
7. 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. This work is governed by the Executive Performance and Quality Improvement Board. The findings from other stakeholder feedback and engagement activity is being developed and this report focuses on compliments and complaints.

Summary of financial implications

8. 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 on a case-by-case basis or can be recommended by the LGSCO. At the time of the report there had been no financial redress recommendations for this reporting year however some decisions are still to be made.
9. 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.

Summary of legal implications

10. 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.
11. Alongside this, government guidance are also relevant including Getting the Best from Complaints (DfES 2006).
12. The guidance requires the complaints function for Social Care to be at 'arms length' from the operational delivery.

Summary of human resources implications

13. Not applicable

Summary of sustainability impact

14. Not applicable

Summary of public health implications

15. Not applicable

Summary of equality implications

16. 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.

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

Summary of risk assessment

18. 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.

19. 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 2023/24